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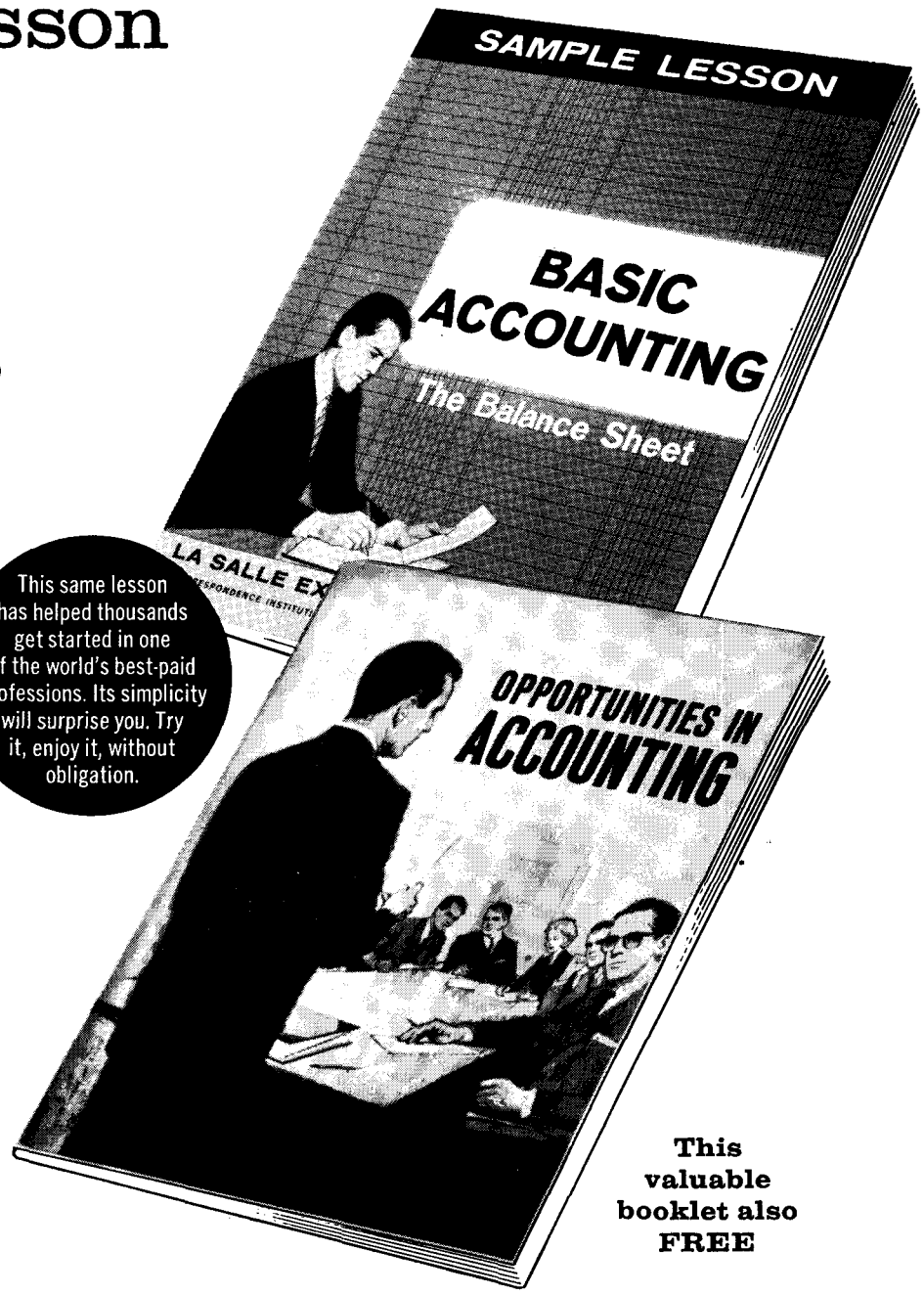

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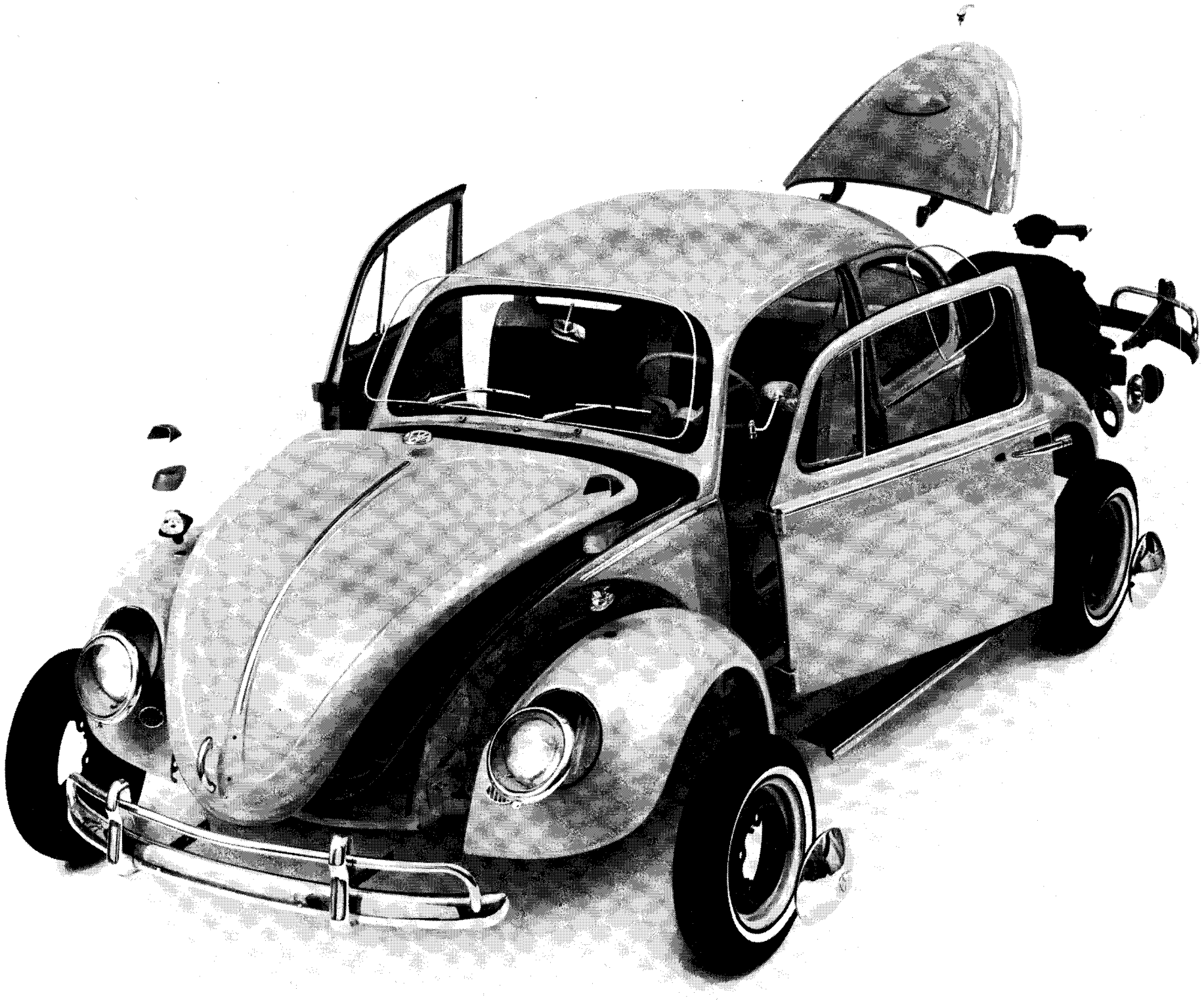

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About this issue

Martin Mayer

MARTIN MAYER's article on the American legal profession grew out of a book he is writing on the same subject, which will be published by Harper & Row. Although he is not a lawyer himself, both of his parents are lawyers. For the past six years he has spent half of his time working on the book, and he has devoted his free moments to reading legal material. He also did research in Europe to compare legal systems and to get a new perspective on American law. Mayer's previous books include *Wall Street, The Schools* and *Madison Avenue, U.S.A.* . . . The science-fiction serial beginning in this issue has an unusual history. Otto Klement and J. L. Bixby wrote the original story. Harry Kleiner adapted it for the screen, and finally ISAAC ASIMOV turned it into the novel that appears in *The Post* . . . . In 26 years of writing W. C. HEINZ has devoted most of his time to sports, but he also has been a WorldWar II correspondent and has covered everything from medicine to civil rights. This is his first article on a theatrical personality. / Cover by JOHN LAUNOIS.

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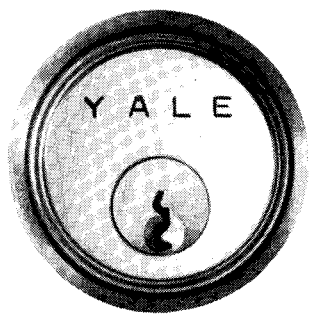

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Don't ask for trouble. Ask for Yale.

Letters

Hair-raising

Dear Sirs:

Having raised two sons into adulthood, I have fought the battle, I have won the war [KEEP OUT OF MY KIDS' HAIR by Bruce Jay Friedman, January 15]. I endured junior-high-school and high-school teachers' complaints about ducktails, flat-tops and butch cuts. The kids went to all-night proms, hi-fi hops and sock hops; they had English racers, souped-up hot rods, chopped-and-channeled Fords, customized cars and, finally, the fastest sports models.

So they grew up, just as I knew they would all along. They turned out quite well, with a definite sense of right and wrong.

DOROTHY WHEAT
Wichita, Kans.

Dear Sirs:

I am 14 years old and I wear my hair in bangs. My long hair hasn't affected my grades, and I haven't noticed it distracting anybody.

KENT HARRISON
Mt. Carmel, Ill.

Dear Editor:

Both my parents will read this marvelous article and profit thereby, or my motto isn't *Sonus et species Beatlorum optimi sunt!*

JAMES MINTER
Milledgeville, Ga.

Dear Sirs:

The article is only an indulgent parent's cry, "I want my kids to have their own way." But in a civilized society other people, too, have rights. Should teachers have to look all day at pupils who resemble schnauzers?

HELENE DEAN OLSON
Manhattan, Kans.

Dear Sirs:

Hair, short or long, is not important. The important thing is respect for authority. The large lawless element in our youth today arises from this lack of respect. There is a big difference between developing one's individuality and rebellion.

Teaching must be a difficult job at best, and doubly so if the educator's authority is undermined at home.

MRS. J. C. MOODEY
San Bernardino, Calif.

Dear Sir:

Mr. Friedman overlooks a basic issue in referring to his son's "civil liberties." His son has such liberties, of course, but the right to determine his own hair style is not among them. Being a minor, the responsibility for his hair—as for his dress, deportment and general well-being—traditionally rests with his parents. As our society has become more complex, the responsibilities of parents have been increasingly assumed by less-personal institutions: The Church provides religious training, the School gives their education, and the State guarantees their welfare.

Mr. Friedman is to be commended for his stand against further encroachments upon his prerogatives as a father and a citizen.

DAVID AGATSTEIN
Malverne, N.Y.

Pupillometry

Dear Sir:

The "pupillometer" could mark the real beginning of psychiatry as a true science [YOUR EYE CAN'T LIE by Bill Davidson, January 15]. As an M.D. must have a thermometer, so a psychiatrist must have an instrument to determine the "emotional temperature" of his patient and its deviation from normal; guesswork warmed or cooled by the doctor's temperament is not sufficient in scientific medicine.

MRS. F. V. VARNER
Bellaire, Tex.

Point of view

Sir:

I had been resigned to the fact that Americans would continue to regard every conflict involving Communists as a straightforward battle between good and evil.

Your editorial THE COMMUNIST VIEW [January 15] represents the first time I have seen, in a major U.S. publication, the suggestion that the views of the Communist world are worthy of consideration. Whereas the Chinese view continues to be unrealistic, the Soviet Union has displayed an increasingly responsible attitude in recent years.

R. NICHOLSON
North Bay, Ont.

Dear Sir:

To say that we want to stop the bloodshed in Vietnam and that we are willing to negotiate is one thing, but to put the intentions of the Communists on the same parallel as those of our country is disgusting. You state that we do not understand the Communists anymore than they understand us. How absurd can one be? We most surely do understand the evil, sadistic aim of Communism.

DAVE P. BONNER
Omaha, Nebr.

Xenophobia

Editor:

Stewart Alsop confirms the Communist Chinese fear of attack, but belittles it as compounded of "fancy, logic and paranoia" [THE MIND OF MAO, January 15]. The *Post* editorial, THE COMMUNIST VIEW, suggests that *our* government's own fearful, fanciful and irrational response to the word "Communist" may explain the defensive belligerence of the Chinese.

Mr. Alsop's viewpoint seems especially blunted. In his New Year's column for *The Post* [A CONVERSATION WITH PRESIDENT KENNEDY, January 1], he seemed to be preparing *Post* readership for an unprecedented atomic attack against China's two "gaseous diffusion" plants.

Japan's strategy, though not her arsenal, was identical when she attacked Pearl Harbor.

Mr. Alsop deprecates criticism of a democracy staging a nuclear Pearl Harbor as "silly," then proceeds to lobby for such an act of war, because the nation we have placed on the defensive has, in his estimation, been driven to "irrationality . . . craziness."

Perhaps East and West are not as alien as some commentators insist. Reading Mr. Alsop's recent articles has led me to feel as imperiled as the fleeing inhabitants of Canton and Swatow.

GARWOOD SMITH
Berkeley, Calif.

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Why many investors are asking brokers about listed stocks.

Here are three points many new investors find attractive when considering stocks listed on the New York Stock Exchange.

With over 20 million Americans now investing in stocks and bonds, it is significant that most of them own securities listed on the Exchange. You may be interested in knowing why many investors who hope to build a richer, fuller life are exploring this interesting group of stocks.

—*—

1. A select "few." For one thing, though less than 1% of the total number of American corporations are listed on the New York Stock Exchange, they earn nearly 65% of all reported net profits and pay about 60% of all dividends. (Would a "second income" from dividends interest you?) These corporations represent leaders of many industries —companies you know and the products or services of which you may use.

—*—

2. A wide choice. If you look for a variety of investment possibilities, you'll find it on the Big Board. Listed stocks include 12 different airlines, 131 utilities, 78 food processors, 40 steel and iron companies—and major corporations in almost any field you can name.

—*—

3. The busiest market. An important feature of listed stocks is the ease and speed with which they can usually be bought or sold. This is because the New York Stock Exchange is the nation's biggest and busiest two-way auction market. Last year, on the average, some 6,176,000 shares were traded each business day. Normally, you can buy or sell listed shares in a matter of minutes.

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Where to start.

But once you decide you want to invest, how do you go about it? We suggest you begin with four things: a rule, a goal, a judgment, a broker.

—*—

Your rule should be to invest only money you won't need for regular living expenses or emergencies. No investment is a "sure thing" —prices go both ways, down as well as up.

How stocks get to be listed on the Big Board.

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In addition, companies which apply for listing must agree to issue financial reports to their shareowners and to give owners of common stock the right to vote. There are other guide-lines for de-listing.

Your goal might be to increase the value of your stock so you'll have a comfortable nest egg for later years. Maybe you hope to "hedge" your savings against inflation. Perhaps you'd like to build a portfolio that pays regular dividends. If you're primarily interested in protecting your capital, you might look to bonds. Whatever your goal, make sure it's realistic and completely clear in your own mind.

—*—

Your judgment, in every case, should be based on pertinent facts—not unfounded rumors. Examine the trend of the company's sales and profits. How does it measure up in its industry? Once you've sorted out the facts then bring your judgment into play.

—*—

Your broker should be chosen with the greatest care. We suggest you see a partner or registered representative in one of the Exchange's member firms. Ask him to help you bring your personal investment picture into sharper focus. Ask him for facts. Ask for his opinions. Though he can't always be right, he may stimulate your thinking with his knowledge of the securities business.

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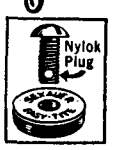

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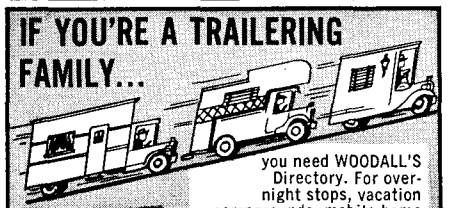

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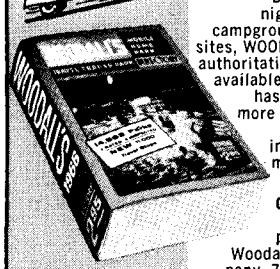

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Letters

Birth control

Dear Sir:

The pill came too late for me [THE BIRTH CONTROL REVOLUTION by Steven M. Spencer, January 15]. I have 12 children, seven girls and five boys, and we live on relief in a small town in New Jersey. My husband lives in Philadelphia and works at an hourly rate of $5.25. I have asked the judge for more support for the family as it is unfair for New Jersey to pay for us. The judge said, "Don't worry about it. New Jersey has plenty."

You will get a lot of mail as to the "moral choice of the unborn child." But what of the moral choice of the child after it is born? The father doesn't care. The court doesn't care. The town doesn't care. The state gives money, and that's as far as it cares.

The children have not been prevented from being born. But they have been prevented from being human beings. They are known as relief kids and are treated so.

J. W.
N.J.

Dear Mr. Spencer:

You have done an excellent job in depicting both the problems of the population explosion and the dramatic shift in American, and indeed world, thinking on this problem. My major concern is that we will not be able to transform our concern to positive programs fast enough to reach the millions of people throughout the world who are already today on the verge of starvation.

WILLIAM H. DRAPER JR.
Population Crisis Committee
Washington, D.C.

Dear Sir:

The part of this article that disturbed me was the midwestern woman who said she and her husband were "the best Catholics you ever saw until our babies began to come along so close together." My husband and I have been married for 11½ years, and we had four children in the first five years of our marriage. We solved our problem according to the teachings of our church, as many other faithful Catholic couples have done.

As for the "young priests who seem to be more understanding," I have only one comment. The Holy Father, the Pope, is the head of our church on earth. It is from him that we receive our guidance and to him that we give our obedience.

MRS. ROBERT C. FOSTER
Schenectady, N.Y.

Dear Sir:

Two years ago I was expelled from a Franciscan seminary because I spoke in favor of birth control. I still believe that the Roman Catholic priests of Latin America who tell their parishioners to have as many babies as God wills are indirectly contributing to political discord. The results of overpopulation throughout Latin America are clearly evident—wretched living quarters, malnutrition, illiteracy, long-suffering mothers, young men with backgrounds of crime and violence.

The priests condemn Communism. That's all right. But they should refrain from condemning birth control. Lest we forget, these wretched, impoverished people are easy prey for Communist propagandists.

MANUEL ESCOBEDO RODRÍGUEZ
Mexico City, Mex.

Dear Editor:

It seems to me that serious consideration must be given to the moral aspects of certain "contraceptives"—namely, those which would cause destruction of the fertilized ovum. Since union of egg and sperm is the essential step in producing new life, destruction of the fertilized ovum is destruction of a human being.

ROY U. SCHENK, *Biochemist*
Cincinnati, Ohio

Dear Editor:

How odd and depressing that a large family has become the object of scorn, pity and consternation, and that today's enlightened parents must use loops and pills, or else hang their heads in shame for their "irresponsible attitude."

MRS. M. PAYNE
Calgary, Alberta

Dear Sir:

I was surprised that in the section, "Birth Control and the Law," it was stated that the New York State law against the dissemination of birth-control information "had not been enforced for years." William R. Baird of Valley Stream, Long Island, was arrested and locked in a cell by order of the district attorney of Nassau County for violation of this same statute. Subsequently the law was repealed.

Mr. Baird's use of the mobile clinic to carry enlightenment into low-income neighborhoods is patterned after the X-ray vans that have been so effective in detecting tuberculosis and cancer.

FRANKLIN I. CARTER
Rockville Centre, N.Y.

Wrong Dakota

Sir:

No, sir, I will not stand idly by and see South Dakota get credit for Teddy Roosevelt. The story which causes my indignation is THE LAST OF THE OUTLAW WOLVES [by Robert K. Massie, January 15]. I quote: "Teddy Roosevelt once lost so many cattle to wolves on his South Dakota ranch that he bought nine brute dogs. . . ."

It was near Medora, Dakota Territory, where Teddy ranched in the middle 1880's. It was here that the tough winter of 1886–7 killed most of his cattle and caused him to lose some $50,000. But he later wrote that he would never have been President without his experiences in the Bad Lands.

Let there be no confusion. In 1889 when Dakota Territory became North and South Dakota, Teddy Roosevelt still owned some property here, as shown by the records at Medora. As Sitting Bull would have said, this is two suns away from South Dakota.

EARL C. RUNDLE
New England, N. Dak.

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Seated, l. to r.: Bennett Cerf, Faith Baldwin, Bergen Evans, Bruce Catton, Mignon G. Eberhart, John Caples, J. D. Ratcliff.
Standing: Mark Wiseman, Max Shulman, Rudolf Flesch, Red Smith, Rod Serling.

Photo by Philippe Halsman

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By Gordon Carroll, Director of the Famous Writers School and former editor of *Reader's Digest, Time Inc.* and *Coronet*

If you want to write, my twelve colleagues and I would like to test your writing aptitude. We will help you find out whether you can be trained to become a successful writer.

We know that many men and women who could become writers — and *should* become writers — never do. Some are uncertain of their talent and have no reliable way of finding out if it's worth developing. Others simply can't get top-notch professional training without leaving their homes or giving up their jobs.

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Over many months, we poured everything we knew about writing into a new kind of professional training course — which you take at home and in your free time. The course begins with the fundamentals of good writing upon which every successful writing career must be built. Then you get advanced training in the specialty of your choice — Fiction, Non-Fiction, Advertising Writing or Business Writing. (The first three include television writing.) You learn step-by-step how to become a successful writer.

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Sharon Wagner of Mesa, Ariz., says: "When I began your training I was an unpublished writer. Since then I have made 18 sales and am now living on my writing income."

"Thanks to your instruction," writes Dr. B. H. Roisum of Madison, Wisc., "I sold three articles to the *Ladies' Home Journal* for $3,500."

William W. Blanks of Anaheim, Cal., who enrolled as an unpublished writer, announces, "I have sold nearly all of the articles I have written, including one to *Family Weekly*." The *Reader's Digest* bought Marjory Ward's story for $1,500.

"I am now editor of the woman's page of our local paper and have my own column," reports Bettejo Dux of Kaneohe, Hawaii. "In one month of happy money-making I paid for my course."

Arthur Emerson, Ft. Lauderdale, Fla., went from a job as gas station attendant to one as staff writer for a large company in his area. He writes: "I credit the Famous Writers School for this assignment."

Margie Zimmerman of Philadelphia, Penn., says, "Your school has helped me towards success in writing. I've sold six children's books to Little Gems, as well as an entire series of animal stories."

Eileen Thompson Panowski, who took up writing when her children became self-sufficient, has had three young people's books published by Abelard-Schuman. Her fourth is coming out soon. Lillian Maas of Zumbrota, Minn., sold her very first article to *Better Homes & Gardens*. "How my horizons have widened," she says. "It's amazing!"

Beyond the thrill of receiving that first check, our students find great intangible rewards in writing for publication. As Faith Baldwin puts it: "If one sentence you write opens a door for another human being . . . makes him see with your eyes and understand with your mind and heart, you'll gain a sense of fulfillment no other work can bring you."

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To find other men and women with ability worth developing, my colleagues and I have devised a revealing Writing Aptitude Test. The postpaid card next to this page will bring you a copy of the Test, along with a 48-page illustrated brochure describing the School.

When you return the Test, it will be graded without charge by a member of our staff. If you do well on the Test — or offer other evidence of writing aptitude — you may enroll for professional training. However, you are under no obligation to do so. (If card is missing, please write to Famous Writers School, Dept. 6788, Westport, Conn. 06881. Give name, address, age and ask for Writing Aptitude Test.)

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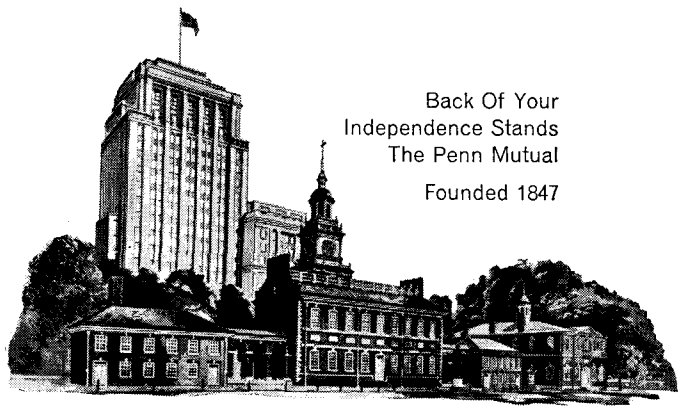

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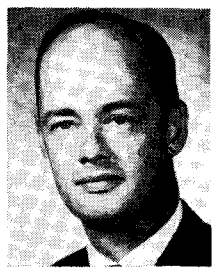

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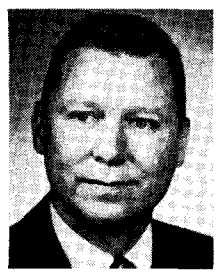

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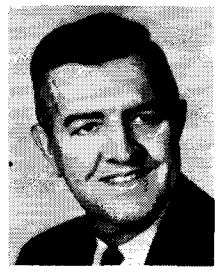

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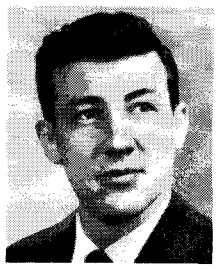

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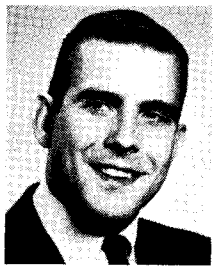

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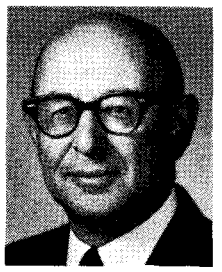

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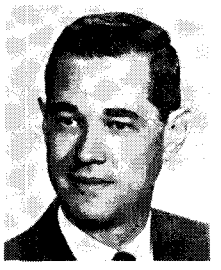

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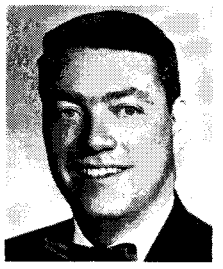

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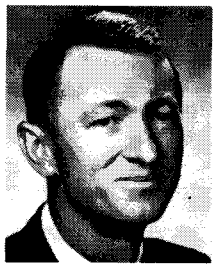

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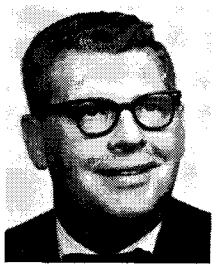

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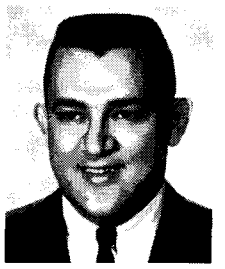

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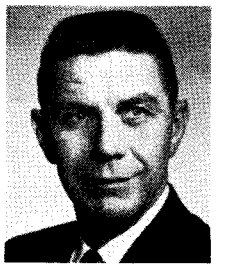

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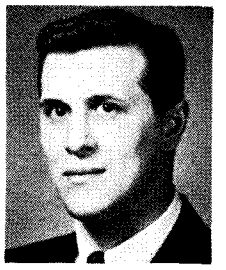

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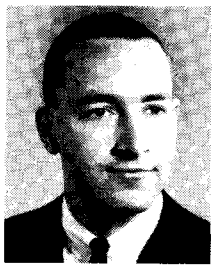

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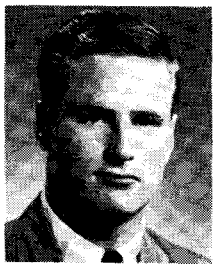

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Speaking Out

THE RIGHT-TO-WORK FIGHT MISSES THE POINT

BY CONGRESSMAN ROBERT P. GRIFFIN

An authority on labor law, Representative Griffin is co-author of the Landrum-Griffin labor reform act. A Republican, he has represented a Michigan district in the House since 1956.

Few political struggles have raged so long and so bitterly as the battle over the right-to-work provision of the Taft-Hartley Act. Since its enactment in 1947, thousands of fiery speeches have been lavished on this issue; election campaigns for high office have hinged on it; literally tons of propaganda, pro and con, have inundated lawmakers. Within the last year alone it has caused jammed hearing rooms, angry shouting matches and even a Senate filibuster.

As ranking Republican member of the Education and Labor subcommittee which handles this issue in the House, I have watched this emotional binge with growing dismay. In my view, "right-to-work" is a sham battle which too often ignores the issues. It is time we stopped tilting at windmills and faced facts.

The cause of the fuss, section 14(b) of the Taft-Hartley Act, is only 44 words long. Simply stated, it allows each state to decide whether labor-management contracts within its borders can require workers to join or pay dues to a union as a condition of employment. Today, 19 states exercise their authority to ban such agreements. Labor unions and their allies want to stop this by repealing 14(b) so that there would be no barrier to the union shop and many more companies could be organized with compulsory union membership. Most management groups are vehemently opposed.

The typical appeal for retaining 14(b) claims that "compulsory unionism" is somehow un-American—and therefore should not be sanctioned by federal law. While many sincere people hold this opinion, I believe that they miss the point.

Obligatory membership is not necessarily so unusual or tragic. Many of the lawyers who urge on Congress the view that "un-Americanism" is somehow involved are themselves members of a "compulsory union"—the bar association. In 28 states, including my home state of Michigan, no attorney may practice in the courts without joining the bar association and paying dues. Like other attorneys, I have complied with this requirement since graduating from law school, and I have never felt that it corrupted my principles.

The vital question, I submit, is not whether I must join but whether and how my fundamental rights are affected when I do. An involuntary organization possesses extraordinary power since its members may not resign, or stop paying dues, without grave consequences. Thus, any such group should assume unusual responsibilities. As Justice William O. Douglas of the U. S. Supreme Court has written, "If an association is compelled, the individual should not be forced to surrender any matters of conscience, belief or expression." A citizen should not be forced to choose between his job, the bread for his family—and his convictions.

My compulsory bar association *would* be un-American if it refused membership because of racial or religious bias, if it fined or expelled me for exercising the constitutional right to dissent, or if it used my dues money to support political candidates or political causes. In hard fact, these very practices are commonplace among labor unions. In my view, these are the central issues that have been sidestepped throughout the discussions about the right-to-work section. That is why I insist that repeal of section 14(b) is acceptable if—and only if—it is accompanied by legal safeguards against the abuses of power by the unions.

While many labor unions are free of such abuses, many others are not. This was amply demonstrated last summer at hearings before our committee. While I believe these hearings were often directed to the wrong issues, they did uncover some shocking instances of union abuse of constitutional rights, including freedom of religion, freedom of speech and the right to equal employment opportunities.

C. F. Smith, a Texan, is a graduate engineer who passed his master electrician's examination in 1943 with an extremely high grade. For more than 20 years he has been a contractor, with a few other electricians in his employ. Many times over the years Smith and his employees have sought admission to the International Brotherhood of Electrical Workers, but the local union in Houston would never accept them as members. To Smith the reason is obvious—he and his workers are Negroes.

In spite of his unsuccessful attempts to join, Smith has suffered for being nonunion. "The unions have picketed our jobs," Smith testified, "and a number of our clients have been harassed because they elected to use our services in lieu of union electrical contractors." Texas is a state with a right-to-work law. Smith's problems would undoubtedly be even worse if Texas permitted

One measure of a democracy's strength is the freedom of its citizens to speak out—to dissent from the popular view. Although the editors often disagree with the opinions expressed in Speaking Out, they dedicate the series to that freedom.

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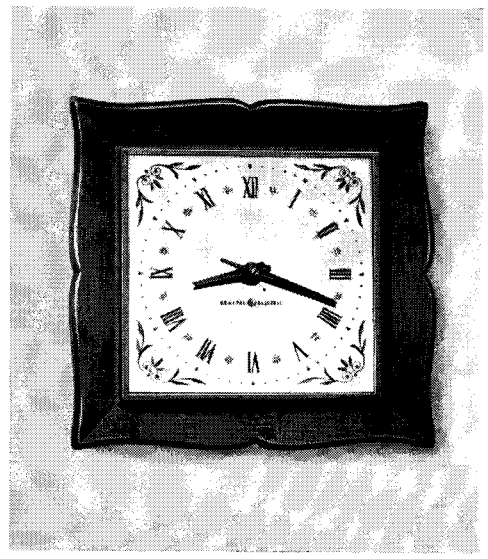

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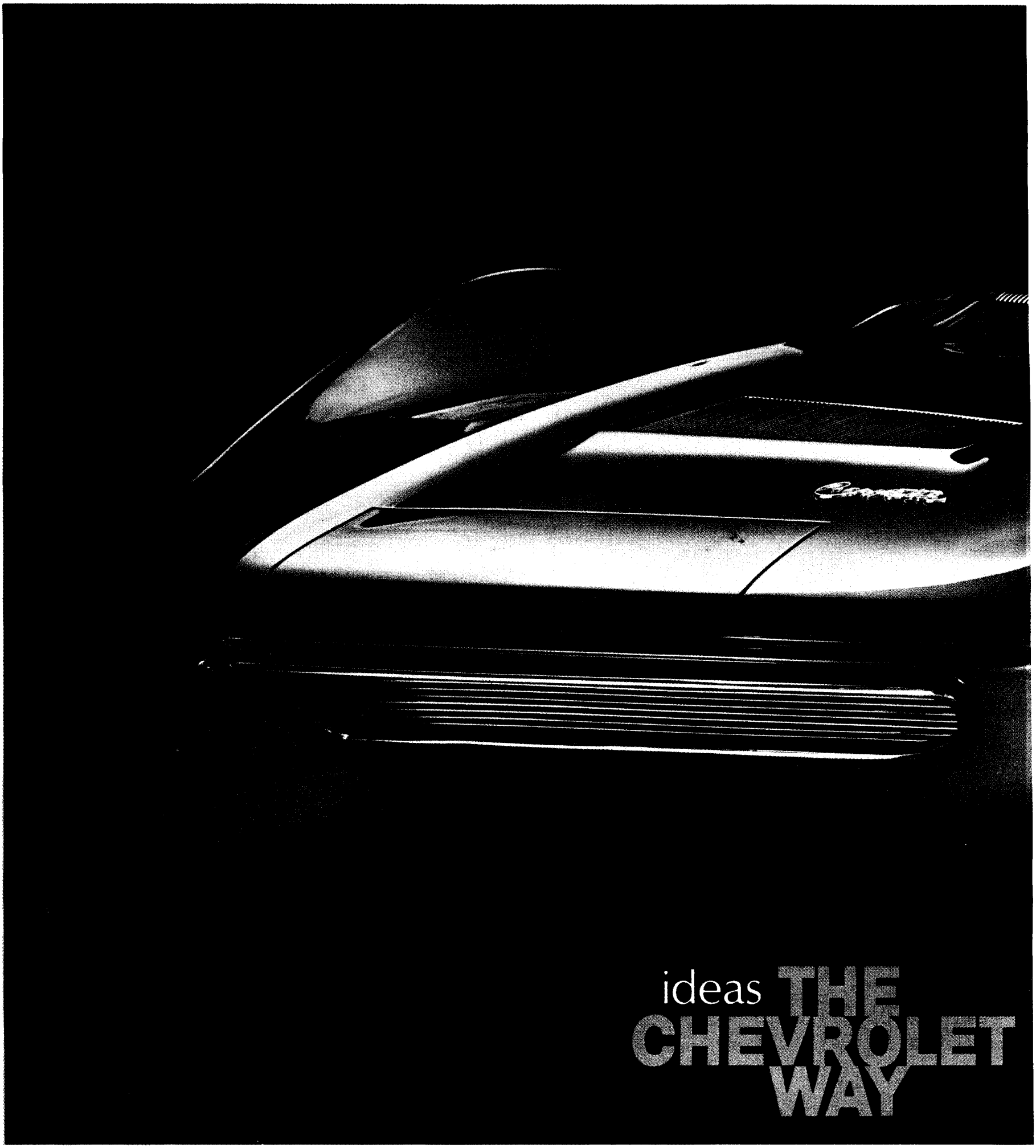

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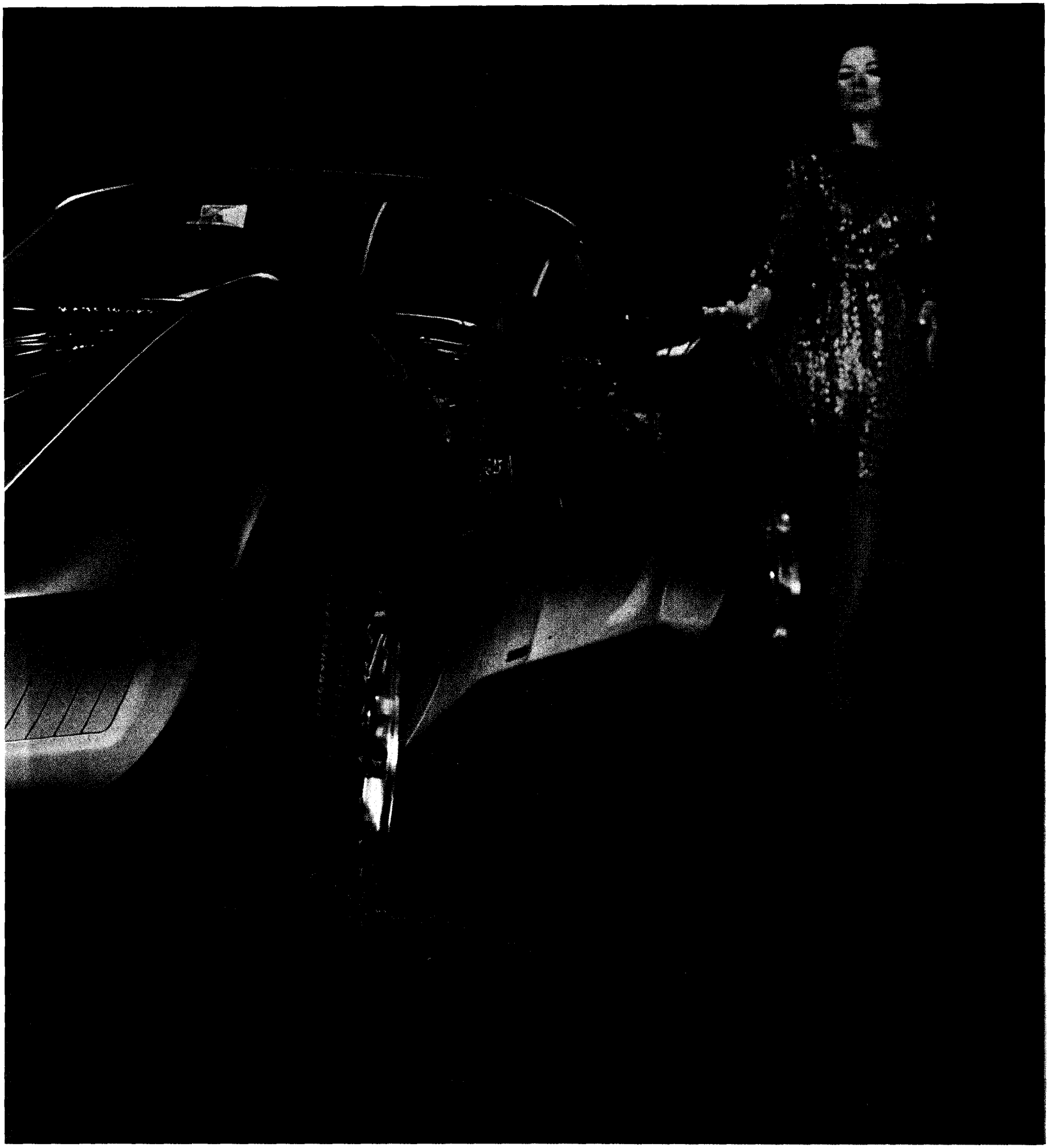

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compulsory-membership contracts, unless effective safeguards made racial discrimination impossible.

The fact is that every serious study of the nation's unions shows racial discrimination by unions to be widespread. Despite the new Civil Rights Act, there are still many "lily-white" locals. A recent national study showed that less than one percent of the apprentices in the building and construction trades are Negroes. Even in supposedly liberal New York State, the figure was reported to be only two percent.

Velio Iacobucci, a movie projectionist from Upper Darby, Pa., was another witness before our committee. A veteran union member, he decided in 1962 to run against the president of his local on a reform platform. The election was held under conditions which Iacobucci claimed were "fraudulent." In any event, he was defeated. He was then summarily expelled from the union. Without membership, he is unable to work in most Philadelphia theaters. To ply his trade, he has had to buy an interest in a theater—using borrowed money—and hire himself as a projectionist.

Our committee learned that a local of the United Steel Workers had expelled two of its members after they filed and supported a petition to decertify the union as the bargaining agent with their employer—although the privilege of filing such a petition is guaranteed by our labor laws. Because of the union's action against them, the men lost their jobs under the union-shop contract. Clearly the right to democratic dissent is meaningless if you lose your job for exercising it.

The spending of union dues to aid political candidates is another outrageous practice which dilutes the citizenship rights of those compelled to pay union dues in order to work. Federal law forbids unions to contribute dues funds directly to support candidates for federal office. But dues money is directly, and liberally, employed in nonfederal elections. It is also used indirectly in federal elections.

When I asked witness Sidney Zagri, legislative counsel for the Teamsters, if union funds were used to support candidates for state and local offices, he expressed an attitude that is typical of many union leaders: "I say we would be derelict in our duty to our membership if we didn't."

The records of a major union, the United Auto Workers, were included in the hearings and provided further evidence of the abuse of the political freedoms of workers for whom union membership is compulsory. The report shows, for example, that in 1960 the U.A.W. contributed to many campaigns. Some of the funds went to help Orville L. Freeman run for Governor of Minnesota, some to help Otto Kerner in his campaign for the Illinois governorship. Well over $100,000 went to the union's voluntary political arm, the Committee on Political Education—COPE—which operates in federal elections.

Even more dramatic is the plight of workers whose religious beliefs prevent them from joining an organization such as a labor union. For example, among the Plymouth Brethren, a fundamentalist sect, some members have lost job after job because they refused affiliation with a union. In many parts of the country there are such groups which are opposed to union membership as a matter of conscience. Their members constantly have trouble finding—and keeping—jobs.

Countless stories of this kind cry out the need for reform within the American labor movement and, more specifically, for an overhauling of the union-shop provisions of the law. A simple repeal of section 14(b) would undoubtedly increase the violation of constitutional rights, for union shops would quickly be organized in the states that now forbid them. On the other hand, the mere retention of right-to-work laws will not cure many of the abuses either.

My proposal, embodied in a bill I have introduced, would eliminate the section 14(b), thereby extending the privilege of negotiating union-shop contracts to unions in all 50 states—but at the same time safeguarding the rights of union members. This bill would make it unlawful for a union entering into an agreement requiring membership as a condition of employment—

(1) to discriminate on account of race, color or creed;

(2) to fine or penalize a member for exercising any legal or civil right guaranteed by the Constitution or laws of the United States;

(3) to use dues or assessments for political or other nonunion purposes;

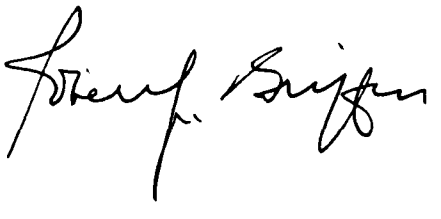
(4) to cause the discharge of genuinely religious objectors to union membership.

Of course, it would be meaningless to recite fundamental individual rights without means for enforcement. Under my bill, a compulsory-membership clause in any collective-bargaining agreement would become void if the union involved should disregard any of the law's provisions.

Some of the problems of democratic rights in unions were faced in 1959 by the Landrum-Griffin labor-reform law, which I cosponsored in the House and which then-Senator John F. Kennedy sponsored in its Senate version. This was a valid first step, but experience since then proves that further steps are needed.

The basic safeguards I have outlined must be coupled with any repeal of section 14(b)—for the special privileges enjoyed by unions are linked both in fact and in the public view with special responsibilities. I am convinced that the American people would not long allow federal sanction for compulsory membership in unions which abuse the rights of their members. This would amount to second-class citizenship for millions of workers. Before long the public would demand much stronger remedies—such as the application of anti-trust laws to labor organizations.

It is high time to put aside the hollow clichés that permeate debate over this subject. It is time for all factions of industry to recognize that collective bargaining is a way of life in this country. And it is time for union leaders to recognize that special responsibilities must accompany union authority to require membership as a condition of employment. This, and not emotional arguments over the right to work, is the real issue in the right-to-work battle.



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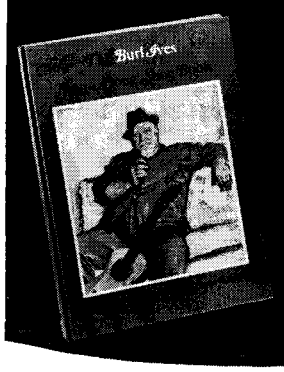

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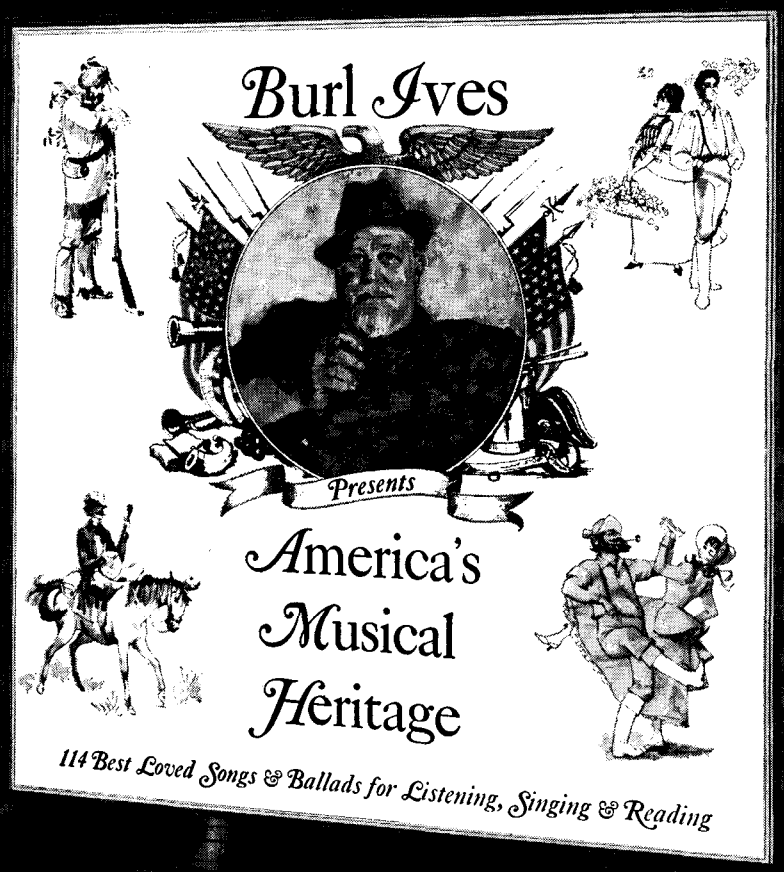

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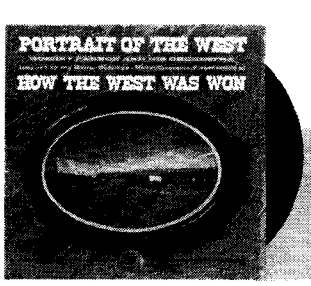

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The Johnsonization of Washington

WASHINGTON:

The departure of Presidential Assistant McGeorge Bundy from the White House marks the final stage in a process that has been going on for more than two years. This process is the Johnsonization of Washington.

The replacement of Kennedy men by Johnson men has been, of course, an inevitable part of the Johnsonization of Washington. Every President wants and needs his own men around him—when Harry Truman inherited the presidency from Franklin Roosevelt, Truman men replaced Roosevelt men within a matter of months, not years. Moreover, there is nothing at all surprising about the fact that the White House is now filled with Texans—in John Kennedy's day, after all, it was filled with the Massachusetts Irish.

But the Johnsonization of Washington is far more than the old familiar game of musical chairs. It is also a basic change in presidential style and presidential method. McGeorge Bundy's departure is the highly appropriate symbol of the change. For Bundy is both an intellectual and a member of the Eastern Establishment, and his departure marks the eclipse of the influence of both intellectuals and Establishmentarians in Lyndon Johnson's Washington.

An Establishmentarian may be defined as a person with an Eastern, classical-liberal education, moderate-liberal political views, who is rich enough not to worry about money and is strongly imbued with the notion that "public office is a public trust." The Eastern Establishment has contributed its share of pompous asses to the Washington scene. But it has also contributed more than its share of great public servants, of the stripe of Robert Patterson, James Forrestal, Robert Lovett, Dean Acheson, John McCloy, Christian Herter, Allen Dulles and Averell Harriman.

John F. Kennedy was an Establishmentarian of sorts himself, and the Establishment (along with the Massachusetts Irish, big-city pols and liberal-intellectuals) carried much weight in Kennedy's Washington. In Johnson's Washington, Averell Harriman, like the last brave leaf on the tree, still functions ably if sporadically, and there are other surviving members of the Establishment in subordinate positions, like Secretary of the Navy Paul Nitze and Assistant Secretary of State William Bundy.

But such top-level Establishmentarians as former Secretary of the Treasury Douglas Dillon and McGeorge Bundy have vanished from the scene; and more important, in Johnson's Washington the voice of the Establishment is no longer loud and commanding. The fact is that Lyndon Johnson is not really comfortable with Establishmentarians, as suggested by his reported remark to a group of newspapermen at the LBJ ranch some months before Bundy's resignation was accepted: "Bundy—an Eastern snob but indispensable. Well, almost indispensable."

Lyndon Johnson has almost as much an inherited and regional distrust of the East as Barry Goldwater. And the feeling of distrust and discomfort is reciprocated by the intellectuals (who tend to be Easterners) as well as by the Eastern Establishment.

The egghead exodus from Johnson's Washington began almost immediately after John Kennedy's death, with Arthur Schlesinger and Kenneth Galbraith leading the pack. Late last year, Richard Goodwin, the most important of the surviving White House intellectuals (except for McGeorge Bundy himself), took his leave, and there has been a steady continuing exodus of Kennedy intellectuals, like Carl Kaysen, Adam Yarmolinsky and Daniel Moynihan. All three, significantly, have joined or will join the Kennedy Institute, which rather strongly suggests that they will be available for future political forays by Robert Kennedy.

Again, there is a last brave leaf on the tree, in the person of Walt Rostow, chairman of the State Department's Policy Planning Council. And of course there are able and intelligent Johnson staff men who might be classed as Johnson intellectuals, like Bill Moyers, Douglass Cater and Eric Goldman.

Nevertheless, the change is real and basic, and it derives very largely from the President's way of dealing with his subordinates. Take, for example, the way the Johnson White House now operates.

White House staff members are treated rather like the inmates of a toughly administered boys' school, with Marvin Watson, the conservative Texan, occupying the position of headmaster. Until recently all incoming telephone calls were monitored and White House chauffeurs reported to Watson all movements of White House personnel.

This sort of thing is supposedly in the name of "economy" and "efficiency," but it is not at all surprising that to free-wheeling intellectuals of the Kennedy type, or prideful Establishmentarians, it looks a lot more like Orwellian surveillance. In fact, a candid memorandum from McGeorge Bundy to the President, protesting the surveillance as an insulting invasion of privacy, may have had a good deal to do with the acceptance of Bundy's resignation.

The President's passion to know everything and to control everything, which is one of his most marked characteristics, makes him an immensely difficult man to work for, which surely accounts in part for the bleeding ulcer of the ablest of his aides, Bill Moyers. But for the kind of intellectual who likes to speak his mind, or the Establishmentarian who is accustomed to unquestioned personal independence, Johnson is a virtually impossible man to work for.

Even Lyndon Johnson cannot control the whole enormous Federal Government; and in the outlying departments, independent-minded men do not feel the same degree of presidential pressure as the inmates of the White House. Even so, no President in history has ever managed to make his presence so pervasively felt. "I know it's just my imagination," says a middle-level bureaucrat-intellectual, "but I have the feeling that the President is always just behind me, breathing down my neck."

Never, not even in Franklin Roosevelt's day, has a President so utterly dominated the Washington scene. This Johnsonization of Washington, it should be said in fairness, is not simply an expression of the Johnsonian ego. It is an expression, rather, of the President's passionate desire to succeed, to serve his country, to be a great President.

Moreover, he himself is perfectly aware of the dangerously insulating effect of the presidential office—he has even assigned Under Secretary of State George Ball to be a sort of unofficial no-man, to argue against Administration foreign policy. But there are a lot of worried admirers of President Johnson in Washington, all the same. The chief virtue in government by both intellectuals and Establishmentarians is that they are, almost by definition, men of independent mind. With both species rapidly disappearing from Johnson's Washington, the ultimate effect of the Johnsonization of Washington could be a government-by-toady. It is hard to imagine a surer recipe for disaster.

Stewart Alsop

McGeorge Bundy

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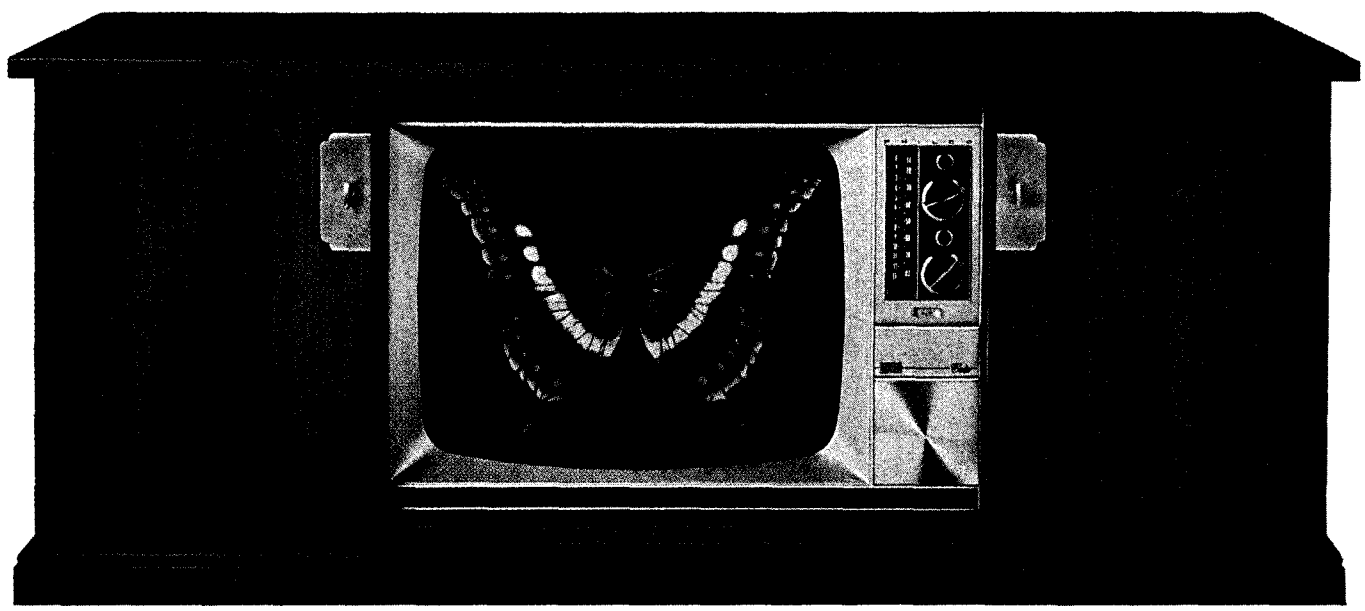

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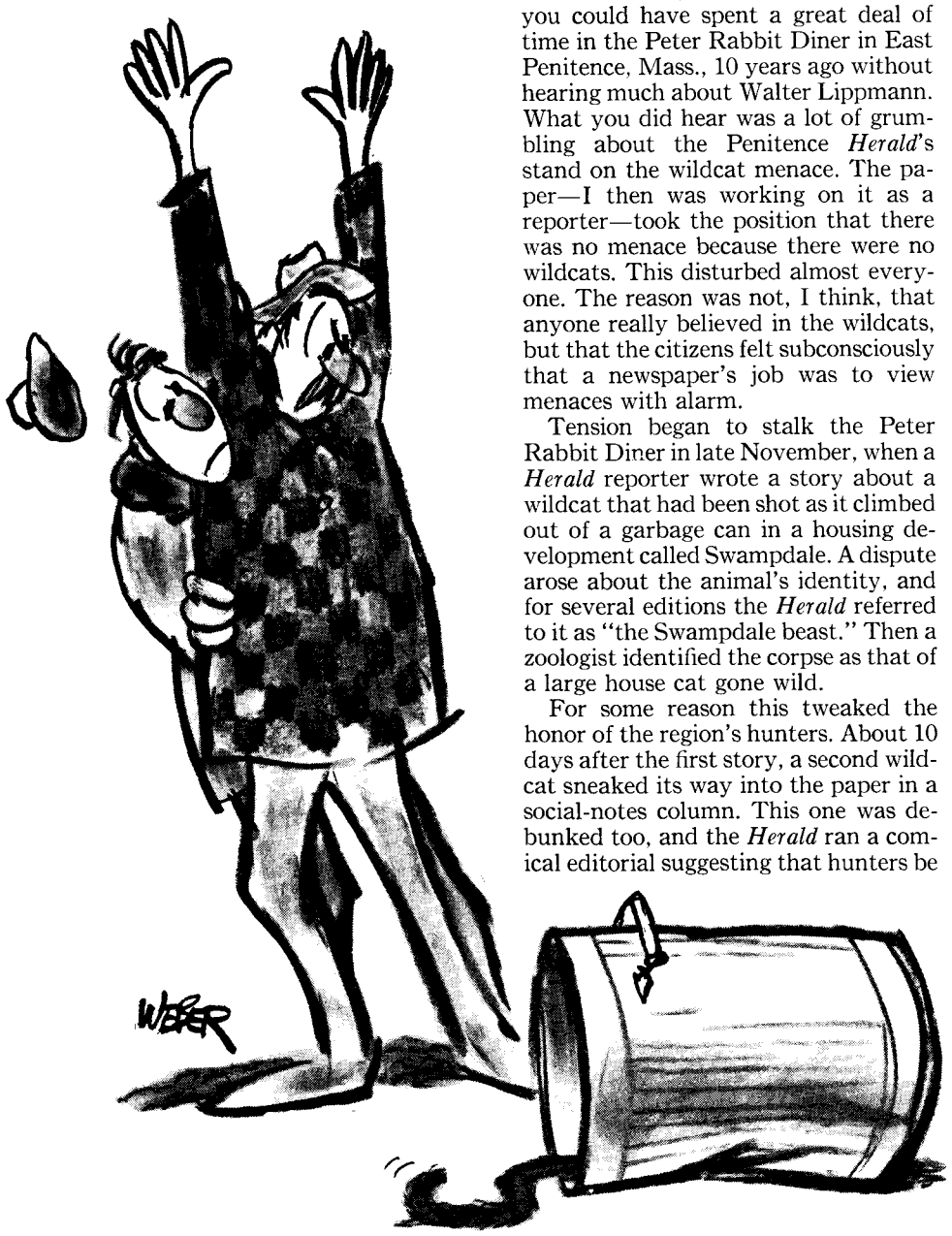
The Human Comedy

THE WINTER OF THE SMALL WILDCATS

By JOHN SKOW



Every now and then I am asked to explain the advantages of a career in journalism, generally by a parent who wants his son to become a dentist. Usually I start off by quoting my first city editor, a wise old man who threw pastepots, and who after many years in the newspaper business put everything he knew about journalism into one sentence: "What the hell do you mean, sixty-five cents for cab fare?"

After that I go on to tell about the winter of the small wildcats. You can read Walter Lippmann's column for a long time without seeing anything about wildcats, but on the other hand you could have spent a great deal of time in the Peter Rabbit Diner in East Penitence, Mass., 10 years ago without hearing much about Walter Lippmann. What you did hear was a lot of grumbling about the Penitence *Herald*'s stand on the wildcat menace. The paper—I then was working on it as a reporter—took the position that there was no menace because there were no wildcats. This disturbed almost everyone. The reason was not, I think, that anyone really believed in the wildcats, but that the citizens felt subconsciously that a newspaper's job was to view menaces with alarm.

Tension began to stalk the Peter Rabbit Diner in late November, when a *Herald* reporter wrote a story about a wildcat that had been shot as it climbed out of a garbage can in a housing development called Swampdale. A dispute arose about the animal's identity, and for several editions the *Herald* referred to it as "the Swampdale beast." Then a zoologist identified the corpse as that of a large house cat gone wild.

For some reason this tweaked the honor of the region's hunters. About 10 days after the first story, a second wildcat sneaked its way into the paper in a social-notes column. This one was debunked too, and the *Herald* ran a comical editorial suggesting that hunters be supplied with cereal bowls and heavy cream. "If it drinks, men, hold your fire," was the snapper. A city councilman then said that it was all very well to be funny, but not when the safety of schoolchildren was at stake. The regulars at the Peter Rabbit Diner said the thing to do with a wildcat was shine your flashlight in its eyes.

There matters stood until one cold Sunday afternoon near the end of the hunting season. I was alone in the *Herald*'s East Penitence branch office, at peace and full of sloth. I had made my police calls, and for the moment there was nothing to do. Then the phone rang. Languidly I picked it up and said, "*Herald* office."

"*Herald* office?" A man's voice, angry and suspicious. "I've got a story."

"All right."

"What?"

"I said fine. What's the story?"

"It'll be good publicity."

"OK, what is it?"

"Well, me and my wife live out in Yosemite Acres," he said, mentioning an area whose largest undeveloped stretch was a Little League ball field.

"Yes."

"Yeah, so, we've been having a lot of trouble with these wildcats. . . ."

"Look," I said after a moment, "I'm very sorry, but the paper says no more wildcats." I listened hopefully, but he said nothing. "I wish I could do something," I said.

"Awright? Great," he answered. "I'll be around to the office in ten minutes."

"Look, I can't write anything."

"Worry about nothing," he said.

I locked the office and fled down the stairs. At the Peter Rabbit Diner I ordered black coffee, my soul filled with dread. I figured I could stay submerged for about two hours before I would have to surface back at the office.

"Great," said a voice in my ear. It was a red-faced man in a white-and-black-checked Mackinaw. "Great," he said again. "I almost missed you."

"You did?"

"Yeah. I called with the wildcat." He grinned and held up a bowling bag. He looked at the counterman and said, tactfully, "Better not show you here."

"No." We walked to the *Herald* office, and the diner emptied behind us.

"I'm telling you I was scared," the man said as I opened the office door.

"Sit anywhere," I said to the people who had followed us from the diner.

"That thing was spitting and snarling big as a tiger," said the man. "I grabbed my rifle, and Francine, my wife—she gets nervous—she said don't go out there." He unzipped the bowling bag and upended it. Nothing came out.

"Kind of stiff," he said apologetically. He shook the bag and a gray mass dropped to the floor. "There. Looks bigger when it's not all jammed up."

"That's a mean one, no argument," said one of the men from the diner. The rest snuffled appreciatively. It was obvious that the corpse had never, except in its daydreams, been a wildcat. I touched the long, bent tail, and discovered that a push made the whole carcass move. After a polite interval I stood up. "Well, I'm sorry," I said.

"What sorry?" said the man in a loud voice. He bent down and tried to pry the animal's small jaws apart. "Look at the size of them teeth." The teeth were small, and the man, looking at them again, realized it. He dropped the head and wiped his hands on his pants.

"Listen, this is the biggest cat I've ever seen," I said. "But a wildcat weighs thirty pounds, and it's got a wide head and a little stubby tail."

The man looked sad. "I'm sorry," I said. "There just aren't any real wildcats around." The man's empty hands hung out of his Mackinaw sleeves. They made me feel embarrassed.

He nodded, unsurprised. "It would of been good publicity," he said.

I was swept by a wave of foolish goodwill, like a man who has just been turned down on a marriage proposal. "Look, if you need publicity, maybe we can do a story later on. What sort of business are you in?"

I have always cherished his reply; I think it says a lot about the importance of a free press in our society. "I been a mailman for twenty-two years," the man said proudly. And he picked up his bowling bag, stepped carefully around the cat, and left.

I knew conversation about the woods lore would be brisk at the Peter Rabbit Diner, and for two days it was. Then the state police raided the annual chicken fry of the East Penitence police, with whom they were feuding, and arrested four strip-teasers, one of them a very pretty third-grade teacher from Boston. This held them at the Peter Rabbit until the Red Sox began spring training, and I never heard anything more about wildcats. □

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Steve Karelitz is an assistant vice-president of a major stock-brokerage firm in Boston, Mass.

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MIAMI BEACH:

SWINGING IN THE CITY OF ILLUSION

By the almost superfluous ocean, the biggest resort sets a glittering stage for Everyman's fantasy of the rich, beautiful life.

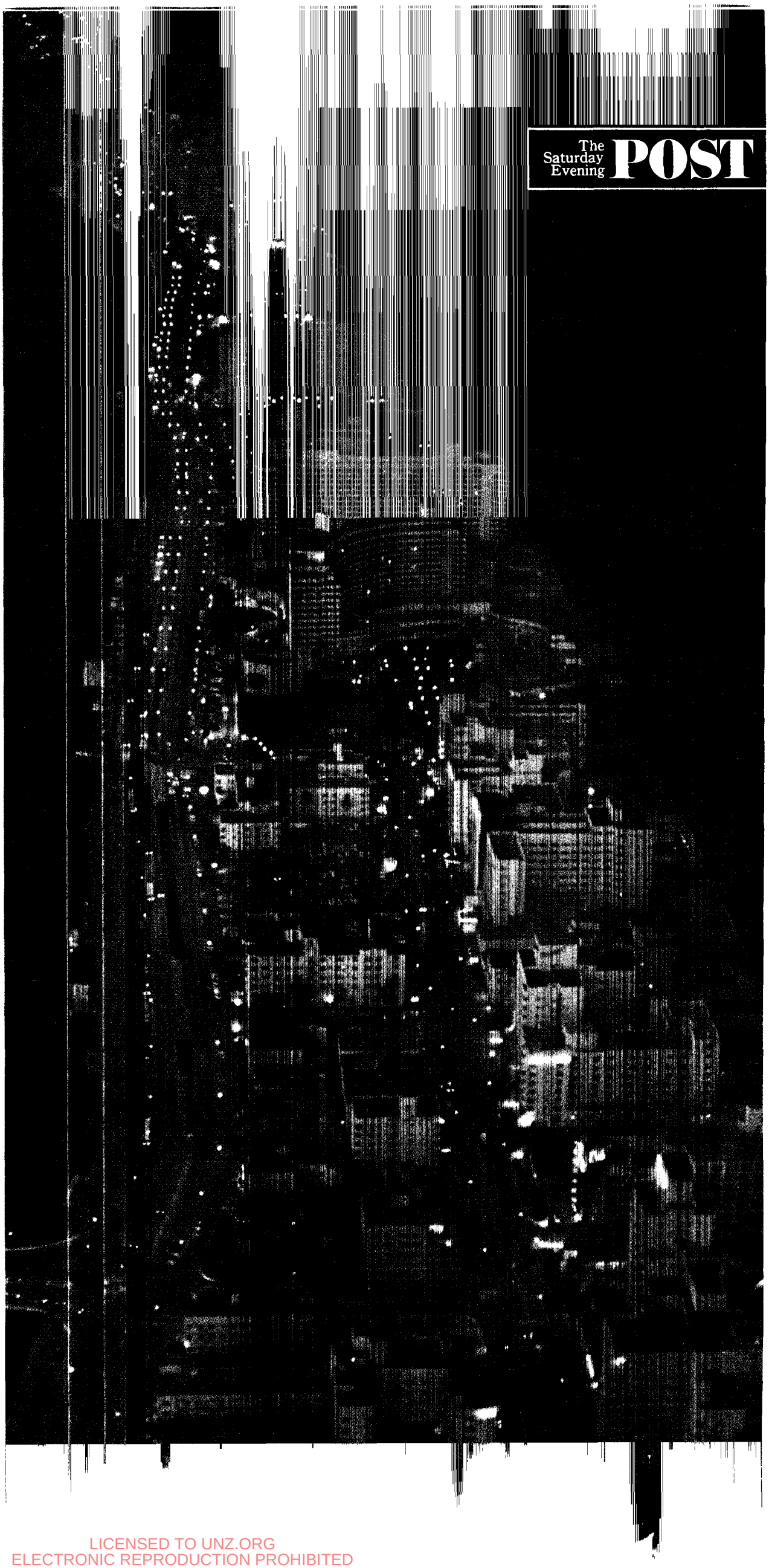
By Lewis H. Lapham

Photographs by John Launois

On Miami Beach this month, sometime between now and the running of the Flamingo Stakes at Hialeah, the full tide of the winter tourist season reaches high water in a flood of dance music and neon light. The spectacle on Collins Avenue is easy to imagine. All the bands are playing; the glossy automobiles glut the entrances to the big hotels. Across the immense marble lobbies the tourists ebb and flow like the sea.

The tourists come all year, at least two million of them, but these next two weeks, like the week between Christmas and New Year's, give them their best opportunities for what the local cab drivers call "the heavy action."

Despite the rise of many competing attractions, from New England's ski slopes to Las Vegas casinos, Miami Beach remains the premier American resort—the most popular single tourist



A glowing conglomerate of pleasure domes is wedged between the Atlantic (right) and the inland waterway in this blimp's-eye view of Miami Beach

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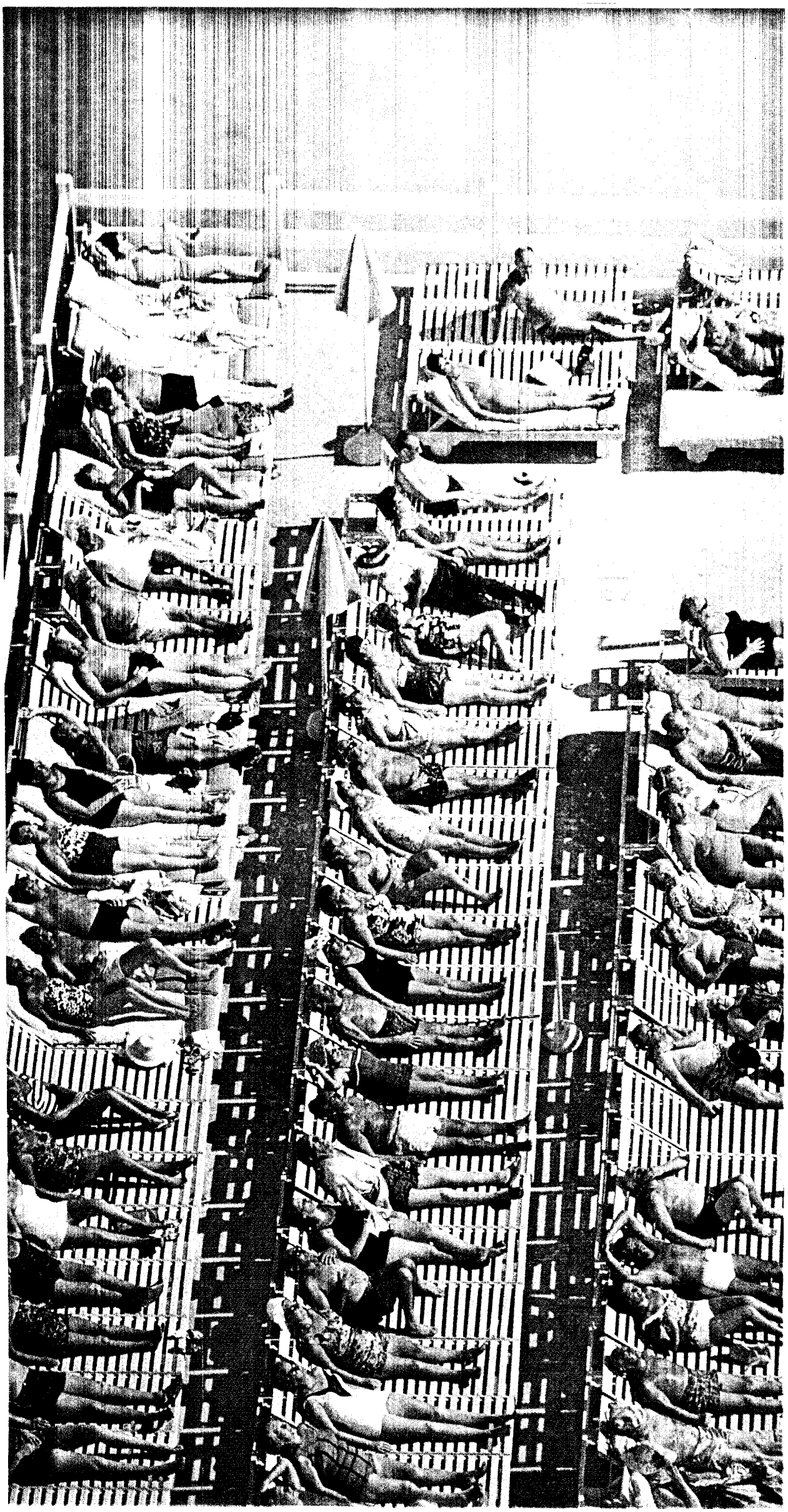

destination in the country. "The playground to a nation," I remember a press agent saying. "Tropical paradise for Mr. and Mrs. America."

Along the 35 miles of coast between Miami Beach and Fort Lauderdale, the same kind of vacation can be bought at nearly 1,000 hotels and motels, at whatever price the tourist can afford. More people come in summer than in winter (the rates are generally lower, and the "nearby Gulf Stream" remains about three miles offshore), but even in the winter season the oceanside vacation package sells for less than $20 a day.

The differences between the luxury hotels (up to $250 a day) and the cut-rate motels depend only on external things, on the cut of the meat, or the proximity to the ocean or the size of the neon façade. The inner quality remains the same.

At first, of course, I assumed that everybody came for the ocean or the sun. Not so. For some people the weather is important, but for the majority it passes as an excuse, an agreed-upon cover story they can tell themselves or their travel agents.

It is an image that attracts them, an idea of the sweet life, a promise of love or youth or whatever else they might have in mind. The promises begin with the advertisements, with the photographs of blonde girls laughing beside blue swimming pools or the silver airplanes floating off into golden sunsets. They are confirmed by the usual rumors, by the guys who come home with a new pair of shoes and the report that Miami Beach swings.

The word evokes the idea of uninhibited freedom and no responsibilities; jazz in a convertible; no past and no foreseeable future. It involves the trick of not lousing oneself up with any definite commitments until the last possible moment. Something better might always become available.

The hotels exploit the ensuing restlessness. The fully air-conditioned facilities (pools, sauna baths, nightclubs, brokerage offices, bowling alleys, etc.) seem to offer all things to all men. The reality, however, seldom compares to the illusion.

Believing the advance notices, imagining that everybody else must be having a better time, the tourists wander vaguely between diversions, never quite convinced they have found the best location at the pool, the swingingest bar, the most action. Their eyes are uneasy, like the eyes of actresses in New York restaurants who keep looking around to see who is coming through the door.

Their restlessness proceeds from their own extravagant expectations, from the phantasmagoria of a thousand movies or television dramas. Everybody arrives with the idea that somehow he deserves better than he got, or with the thought that maybe he should have been somebody else.

Miami Beach distinguishes itself from other resorts on the basis of its size and marketing techniques. The hotels resemble department stores, but instead of dry goods and notions they deal in a moviegoer's dreams, delivering the illusion of opulence and escape to the mass audience.

Of necessity, because of the numbers, the environment is urban and hostile. The same cold silences in the hotel elevators, the same waiting in long lines, the same struggle for recognition.

The sun becomes a convenience, like running water or room service. At the Fontainebleau Hotel over New Year's, I remember a man in plaid bathing trunks who accosted me under a beach umbrella. He had seen me writing in a notebook and assumed that I was employed by the hotel.

"Where's the sun for Chrissake?" he said. "How the hell will anybody know I've been in Florida?"

The sun was part of the deal, something he had

Crown Hotel sundeck has few vacancies. The nearly empty pool is used mainly as a social centerpiece.

Tourists pilot rented speedboats against backdrop of Fontainebleau (curved façade), Eden Roc and Doral hotels.

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The tourist moves restlessly through the program of organized fun, always imagining that the liveliest crowd is on the other side of the pool.

paid for, and if it didn't work, somebody had better fix it.

An attractive blond girl, sitting at the pool with a tinfoil reflector under her chin, expressed a similar attitude.

"The sun," she said, "is to go home with."

My room in the hotel, on the ninth floor of the new wing, overlooked the vast curve of the main building, a view similar to a view of a New York apartment house. The windows opened only a few inches; the drone of the air-conditioning system obliterated the sound of the surf.

To the moviegoers, these things seem not to matter. Some of the beach at Miami had to be brought in on trucks after last autumn's hurricane, but, even so, few people swim in the ocean.

"I don't like the sand," a woman said. "It's so messy, you know."

"What is the ocean?" a fat man said. "Nothing. . . . All you see is water and once in a while a boat . . . there's no activity."

Hardly anybody swims in the pool either, possibly because the windows cut into the north end of its raised deck allow passersby to look up at the people swimming. (The windows also allow a swimmer to look out at people on the indoor ice-skating rink, but that is not as appealing.)

The drama around the edge of the pool, however, commands everybody's full attention. Rows and rows of divans, perhaps 500 of them, each about six feet long and two feet wide, all face South. Every guest receives 12 square feet of sun as it passes from left to right across the horizon.

From a slight distance off, the display suggests a gigantic checkerboard. Gold-lamé bathing suits, straw hats, legs glistening with suntan oil, women wearing high-heeled slippers and false eyelashes. As if by unwritten agreement half the crowd remains in place while the others wander among them, cruising the scene. Then everybody changes places, like a game of musical chairs. Nobody misses a trick. The sea wind is loud with the noise of the airplanes turning right off the Atlantic, with the music of transistor radios and regular announcements over the public-address system.

"Good morning everybody," the loudspeaker says, "let's all have fun, let's all go water-skiing."

Either that, or gin-rummy games, or dance lessons or instructions in yoga positions. Through the gaps in the public noise there drift the fragments of private conversations.

A girl, approaching a man with a book:

"You're reading," she says, ". . . maybe you're right. I didn't think I'd have to read in Florida, but it looks as if I have to."

She goes on to explain that she had been at the hotel for five days, she and her girl friend, but that they had not met anybody nice.

"They all want the same thing," she says, " . . . at least they could talk to you a little bit first . . . that's not too much to ask, do you think? I mean, that they talk to you a little?"

A man, announcing himself as an important figure on New York's West Side, to another man, himself well known in the same territory: "You lived in New York all your life?"

Second Man: "That's it."

First Man: "Funny, I haven't seen you around."

Two girls discuss their adventures on the previous evening. One had carelessly gone out to dinner with a man who did not meet her expectations.

"After twenty minutes with him I felt like going up to my room to watch television for an hour . . . like, get my head away from that scene and then come back later and start all over again."

Second Girl: "Are you emotional?"

First Girl: "It depends which way the emotion swings."

Second Girl: "Remember not to get involved. . . . Nobody's worth it."

Because the hotel deals in such vast numbers of people the events of the day begin and end at specific times. During the day the tourists retain the passive character of a crowd in a subway, following the instructions on the label, going where they are told, like children at camp. They conform to an understood code of behavior that everybody seems to accept within 24 hours of arrival. (It is unthinkable, for instance, to swim at night, to sit alone in one's room, or to wear a tie before noon.)

At five P.M. the beach closes, and a sign to that effect is posted in the sand. (At one hotel the sign reads: THE OCEAN IS CLOSED.)

The ice-skating rink and the swimming pools (indoor and outdoor) also close at five P.M.; the bowling alleys, billiard tables and sauna baths close an hour later. That is soon enough; for most people the afternoon drags wearily toward dusk.

"That's all it is? Three-thirty?" a girl said one afternoon. "I should have slept longer."

The schedule conspires to herd people toward the evening entertainments, and it is then, after dark, that the ethos of Miami Beach reveals itself. The beaches close, but the hairdressers and the dress shops stay open until midnight.

If, at noon, there are 40 or 50 people in the lobby, at six o'clock there are five times as many. It is then that music begins in the various bars and cocktail lounges. Somebody is always singing, either live or recorded, and the jumbled lyrics of love songs drift out to sea on the prevailing wind.

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MIAMI BEACH

The violins play *More than the greatest love the world has ever known;* the saxophones answer, *Tonight, tonight, I'll see my love tonight.* The moviegoers dream of a better world.

The feeling in the several bars of the Fontainebleau Hotel (the Poodle Lounge, La Ronde, Club Gigi and the Boom Boom Room) compares to the mood of a cruise ship on the first night out. Carnival; all bets off; anything possible. The pervasive musk of perfume and suntan lotion weighs heavily in the air. Through the cigarette smoke the women watch with avid eyes.

I choose the Fontainebleau as an example because it is the largest hotel on Miami Beach (1,000 rooms) and probably the best known (the opening scene of the film, *Goldfinger*, took place at the hotel pool). Many other hotels, however, would do just as well. They are variations on the same theme: the décor follows similar patterns—bland, alabaster statues of mildly erotic nymphs, flashy chandeliers, white leather banquettes, garish and unnatural colors. Many of the public rooms resemble the lavish sets for the production numbers in Hollywood musicals of the 1930's.

The early action develops in the Poodle Lounge, a cocktail bar just west of the main elevators. It looks like any other bar in town, but it possesses the magical reputation of a place that swings.

Almost every evening, at a table in the corner of the room, Ben Novack, the owner of the hotel, sits with his hat on, a cigar in his teeth and an expensive sport coat thrown carelessly over his shoulders, in the manner of a Broadway producer. He sits among good-looking blonde girls and heavyset men who speak in hoarse whispers of their winnings and losses at the track. Petitioners continually present themselves at his table, asking for a room, or a tip on a horse, or an introduction to a big-name talent booked into one of his nightclubs.

To Novack the hotel is beautiful, the tangible proof of his own luxurious dream. Much of the building he designed himself. On a tour through Europe he and his wife ordered freight-car loads of the furniture, the statues and the decorative objects scattered through the corridors.

"We're full of marble," he announced on the evening we were introduced. "There must be one million dollars of art laying about."

His habitual presence in the Poodle Lounge gives importance to the room, the illusion that here, at last, is the center of the world. He conceives of his guests as "the audience," and it delights him to watch their search for the good and the beautiful.

The nonswingers come in droves, looking, in the words of the song, for *the start of something big.* Few of them would know a swinger if they saw one, but they have their hopes. The girls expect to find a reasonable facsimile of James Bond or a responsible tax accountant from Queens Village. The men come looking for Lauren Bacall at the far end of the bar, or for a girl they thought they once saw across the air shaft of an apartment building on the Near North Side.

"You know something?" a brunette said one night. "I never drink gin back in the States."

She said it without thinking, not intending to be clever, as if she instinctively recognized the unreality of her situation. She nevertheless stayed for three hours, ordering a series of last drinks, waiting around to see what would happen.

"You stay here long enough," another girl said, "and you begin to believe it."

The guests make very guarded entrances, however, remaining suspicious of confidence games. Eager to believe almost anything, they nevertheless pretend to be wise to the ways of the world, and so they approach one another warily.

"A million phonies," a girl said one night, indicating everybody else at the bar. "Down here everybody is a president."

"I thought I found the girl of my dreams last night," a guy said, "but after two drinks she asked me what was my net worth."

On the other side of the circular bar a man wearing a cardigan sweater that opened to reveal the hair on his chest sought to convince a girl of his sincerity. He had been telling her that he knew producers, big-time agents, important people in New York, people who could do her some good. The girl suspected him of being a brassiere salesman.

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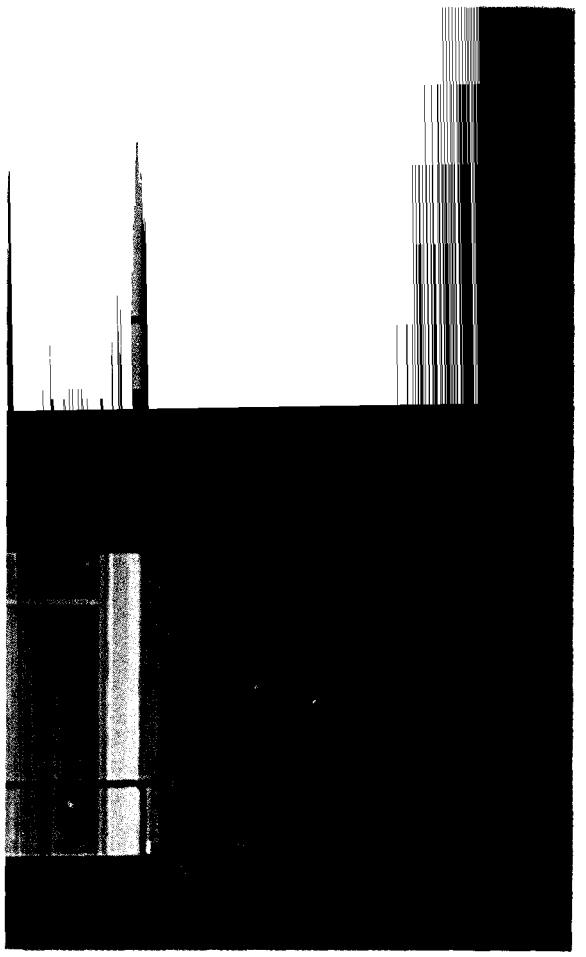

At sundown the music begins,
the crowd divides into singles and pairs,
and the pursuit of happiness quickens. It would be
unthinkable just to stay in one's room.

"No kidding," the guy said, "I'm a real person. I'm real quality."

"You're wrong," the girl said. "I'm the only real person here."

Nobody believes anybody else. I tell people I write magazine articles, and they tell me their cousins have just been named ambassador to Ethiopia or Mozambique. A thoughtful hipster in a mesh T-shirt one night undertook to demonstrate the system. Next to him at the bar sat a red-headed girl whom he had been trying to approach for an hour.

"OK," he said to me, "watch this play . . . you don't mind if I lie to you, do you? Just for the sake of argument, OK?"

In a loudly conversational tone, together with a broad and confident gesture, he then said to me:

"So I was talking to Phil Adams this afternoon, and he said to me, so what, Eddie? So you lost a crummy card game. So what? What's $50,000 to a guy like you? Nothing? Right?"

The redhead turned around. The hipster engaged her in a detailed conversation about Phil Adams. The girl said she met him once at a party given by Huntington Hartford. The hipster said he had been at Yale with Phil. Twenty minutes later I began to think that I also knew Phil Adams.

I saw the guy the next day at the pool, and I asked him what had happened.

"A bad scene," he said, "a mistake."

He had taken the girl to dinner and then to a nightclub, after which she agreed to come up to his room to see the view of the inland waterway. In the lobby, however, she discovered that he was staying at a second-class hotel, entirely inappropriate to his pose as a big spender.

"What could I do?" he said, "I told her the place was just enough of a dump to be sophisticated, like a foreign movie, but she said her mother told her never to go out with men who didn't stay at the Eden Roc."

Like the Fontainebleau, the Eden Roc (300 feet due north) is one of the most expensive hotels in

In a thousand rooms (above), the hotel guests prepare to descend for the social fray that begins at the cocktail hour.

Papier-mâché Louis XIV (left) helps create an air of opulence for diners in the Fontainebleau's Fleur de Lis room.

Table-top frug at the Shelborne's 007½ Go Go, one of many hotel discothèques designed to appeal to young "swingers."

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MIAMI BEACH

Miami Beach. The rooms rent for between $39 and $206 a day during the winter season. The seemingly high rate for the smaller rooms, however, is not so difficult even for a secretary if she and a friend split the cost and improvise meals.

People often endure terrible sacrifices to maintain the necessary façade, the illusion of wealth being another of the performances that Miami Beach encourages. The experienced tourists cut back on the fundamentals but tip lavishly. (Nobody can be more contemptuous than a waiter or bellman who feels unjustly compensated. They can spot a man with the stale air of a poor spender as easily as if he were walking in a cloud of fruit flies.)

Some people rent their furs or jewelry. Others make spectacular exits and entrances followed by trains of rented suitcases filled with rocks. On their departure they go to the airport in the hotel limousine, and then, when everybody else has disappeared into the terminal, they sneak back into Miami and go home on a bus.

One other incident occurs to me. I remember overhearing the customary opening moves in a game between a bald man and a plump girl wearing a polka-dot jump suit. The man had almost convinced her of his identity as a high-level advertising executive. Unfortunately a friend of the girl's arrived and ruined his script. She had met him two years before at a resort in the Catskills and knew him for a mailroom clerk.

"We all wear masks," he said easily. "Life is a series of masks."

The girl in the polka dots turned abruptly away.

"You must do very well on Halloween," she said. Halloween or New Year's Eve. On New Year's Eve, I saw the same man, a paper hat slanted over his eyes at a cavalier angle, telling a credulous girl of his maneuvers in the shipping business.

"We charter the tankers to the big oil companies," he said, "you know, like renting a car."

I remember New Year's at the Fontainebleau as a symbolic occasion, everybody trying even harder than usual to have a good time. The trucks with the confetti arrived early in the morning; all afternoon Cuban waiters blew up the necessary balloons. At about eight o'clock the lobby began to fill with hundreds of people, all of them staring at one another, reconnoitering the terrain. The women wore elaborate dresses, wigs and feathers, many of them apparently borrowing their ideas of chic from old Lana Turner movies.

In the midst of this crowd the hotel photographer stood under a solitary yellow balloon. The balloon, tied to his camera by a long string, bobbed overhead in the smoke and noise. Patiently he waited next to the placard advertising his rates, five dollars or $7.50 a print, depending on the size.

"We mail 'em anywhere in the United States, folks," he would say, "right to your hometown. . . . If you don't like 'em, you can send 'em back."

He said this at discreet intervals, not wanting to remind anybody of failure, knowing that nobody came to Florida for a lousy photograph.

I began in the Poodle Lounge. So many people were jammed into the room that a few of them remained outside in the lobby, just beyond the swinging glass doors, holding drinks in their hands.

At the bar three college boys finally managed to get close enough to order drinks. They had carefully chosen a momentarily empty space next to an outrageous blonde. (All available space in the

Gold lamé at the airport, a negligee-over-swimsuit at the hotel pool (top) add exotic color to the tropical scene.

The sun is "to go home with" and to keep sensitive noses away from (center). Poolside gin rummy is basic pastime.

Yoga exercise at the Fontainebleau (left) is supposed to relieve guests' tensions, stimulate their thyroids.

'Can you imagine that? Walking up and down Collins Avenue here, I see the same old faces!'

hotel, whether a bar stool or a divan at the pool is immediately occupied if anybody is so careless as to leave it unwatched.) The short haircuts, the button-down shirts and the khaki trousers marked the college boys as guys way off the beat, players from another league. The blonde turned slightly as the first guy, self-consciously cool, ordered a rye and ginger ale.

"You twenty-one?" the bartender said.

The boy produced his draft card, making it look as if this was the first time anybody had asked him such an absurd question. The blonde turned back to the man on her left. The kid's humiliation, however, was not yet finished. When he offered to pay for the drink with a credit card, the bartender looked at him with open disgust.

"You think you can come in here with a card, at a busy time like this?" the bartender asked. "Are you out of your mind or somethin'?"

"OK, OK," said the kid, "I'll pay for it."

Somewhere else along the bar a man was saying to a friend:

"I'm so used to playing games, especially with her, it's hard for me to be honest, if you know what I mean."

Another man, about 25 years old and still concerned with the vagaries of popular opinion, was asking a bartender for reassurance. He was employed as an embalmer in a funeral home in Boston. To the bartender, he said:

"How do you feel about an embalmer? I mean, is he a bad guy or what?"

The bartender told him it was a job like any other, like being a motorman or a garbage collector.

"Yeah, that's what I thought," the guy said, and then, turning to his friend, he said:

"I came down here to get away from it all. Can you imagine that? Walking up and down Collins Avenue here, I see the same old faces. I mean, I couldn't believe it."

His friend had his own problems. Earlier that evening he had made advances to a young woman in the coffee shop, failing to realize that the elderly man sitting next to her was her husband. The husband hit him in the ribs with his cane.

"Some New Year's Eve," he said.

By 10:30 the crowd in the lobby threatened to bulge through the revolving doors. The first paper hats had appeared, also a small, lost dog walking under a balloon tied to its collar.

On all the sofas and the overstuffed chairs at least 100 people over the age of sixty, many of them residents of other hotels, sat whispering among each other. They had come to see the sights and to pass judgment.

"Have you seen the chinchillas?" a woman said. "Did you see the one in the red outfit? . . . She'll chase anybody."

"Kinsey needn't have bothered with all that damn research," an old man said, "all he had to do was to come here and sit."

Downstairs in the Boom Boom Room (a bar decorated in a Polynesian motif and once used as a set for the television series, *Surfside 6*), a blond girl fondled the flimsy strings holding her dress together just above her navel.

"It's such a bore to be sentimental," she said.

A Miami-style water sprite bobs in the Fontainebleau pool, with a hat not particularly suited for swimming.

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"Have you ever been in love?" asked the man next to her.

"How would you like a punch in the nose?"

The Latin American band played *Fly Me to the Moon* in cha-cha rhythm. Two men at the bar argued about a girl in a red evening dress.

"This time it's love," one of them said. "Next time it's fifty bucks."

A few minutes before midnight, pushing through the crowd in the lobby, I ran across a man dressed as a cowboy. He wore a leather jacket, a Stetson hat and a drooping moustache. In his hip pocket he carried a bottle of whiskey, and in his holster a pistol that he insisted was the real article.

"A Colt .45," he said. "I'm on television."

(Much later, sometime toward dawn, the cowboy swaggered into the Poodle Lounge. A drunk still left at the bar looked at him thoughtfully and then said, "Everybody else checked their guns.")

Exactly at midnight all the bands in all the bars played *Auld Lang Syne*. People threw confetti at one another, or popped balloons with cigarette ends, and every man leaned over to kiss the woman immediately to his left. The bartenders wished the cashiers a happy New Year; the drummers set up sustained tremolos on the cymbals.

Even so, the celebration had a perfunctory quality, like the performance of a pianist who strikes all the right notes but fails to play the music. The early morning broke up into fragments of random talk. The crowd drifted out through revolving doors, leaving a swirl of torn confetti and paper hats. Until sometime after two A.M. the hotel photographer continued to do business under the yellow balloon. The social directress reported that a man, gallantly offering to kiss her hand, bit through the skin of two knuckles.

The illusions began to dissolve as the morning wore on. The people still left in the bars were made sick by the thought that they should be having a better time though they knew they would go home and say that Miami Beach swings.

"Are you from Virginia?" a man asked a woman in the Boom Boom Room.

The woman, about 40 years old and wearing a fur coat, formed her lips into the shape of a kiss.

"Does it make any difference?" she said.

A plump blonde girl, defensively explaining her presence in the Poodle Lounge, said:

"I've gained weight, you see. Otherwise I would have gone down to Puerto Rico. In a bathing suit I meet the whole world in ten minutes."

At five A.M. I ate breakfast in the coffee shop with two boys and a girl from Hewlett, L.I. The girl, maybe 17 or 18 years old, said she had come to Miami Beach to "go and do." She wore a tight black dress and exaggerated false eyelashes.

"Do you think I look too flashy?" she said. "No? I'm glad."

She identified herself as a girl accustomed to all the cornball deceptions, somebody who couldn't be fooled.

"I've been here before," she said. "There isn't any romance in this town . . . that only happens when you're not looking for it and when you least expect it."

Which, of course, is the most romantic illusion of all. Later I walked on the beach. I don't know what I expected to find, but it seemed the obvious thing to do, the kind of symbolic gesture made popular in Italian art movies.

A few gulls perched on the railings of the cabanas. The first streaks of light glimmered on the eastern horizon. Out to sea I could see the lights of a ship. At first I thought it might be somebody's yacht, a big sailing schooner cruising serenely on toward Nassau or the Caribbean. But as the light grew stronger, I saw that it was an oil barge. □

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The most baffling problem in modern mathematics has been the identity of the elusive genius who fathered the "new math" of today's classroom. The astonishing—and funny—solution is given below.

$$\sqrt{\frac{\text{who}}{\text{is}} + \frac{\text{Bourba-}}{\text{ki}}\,?}$$

$$64 = \frac{\text{John}}{\text{Kobler}}$$

As the latest installment of a French treatise entitled *Elements of Mathematics* recently went to subscribers all over the world, it evoked once more the rumors, legends and obfuscations that have long surrounded the author's name. Nicolas Bourbaki is perhaps the oddest figure in modern science. Raymond Queneau, a savant of the Académie Goncourt, has acclaimed the *Elements* as "the most important contemporary mathematical treatise." With this masterwork, of which the new volume is the 31st to be published since 1939, Bourbaki has profoundly influenced both teaching and research; he is a "father" of the "new mathematics" that is revolutionizing American classrooms. But nowhere has Bourbaki ever appeared in the flesh, and no two versions of his biography tally. Foreign universities have offered him honorary degrees. But he always declines.

The day the Allies liberated Paris, three American colonels, mathematicians in civilian life, made straight for Bourbaki's publishers, Hermann & Co., to learn where they could find the great man. "Monsieur Bourbaki is absent," the then head of the firm, Enrique Freymann, told them, and the trio departed, only slightly consoled by buying complete sets of the *Elements*.

The scope of Bourbaki's project staggers the mind. It is nothing less than to integrate the whole of mathematics within a single framework. Through him France has become, mathematically speaking, a leader among nations. Installments of the *Elements*, thin, gray-covered paperbacks, priced at $5 to $7, with a printing of 20,000, usually sell out within a few months of publication. They are translated into Russian as fast as copies reach the U.S.S.R., and an American publisher plans to bring out his own edition in English.

Not every mathematician approves of Bourbaki's influence. New York University's Prof. Morris Kline, for one, deplores the widespread revamping of elementary mathematical curricula along Bourbakian lines at the expense of classical methods. Whether pro or con, however, no mathematician who hopes to stay abreast of the field can ignore Bourbaki.

But the most astounding fact is that no such person exists. Nicolas Bourbaki is a hoax. In the mid-'30's six young French mathematicians began collaborating on a series of highly sophisticated studies. No single authorship could be ascribed to any part of their work, because it was a tightly interwoven group effort. So they adopted the collective pen name of Bourbaki.

As Bourbaki's renown spread, his creators amused themselves by fabricating a host of biographical details. They gave him a personality, a wife and daughter, a lofty academic pedigree. To handle the royalties his writings might earn, they needed a legal identity. Accordingly, they incorporated themselves as the Association of the Friends of Bourbaki.

Bourbaki's most remarkable endowment is an ever renewable youth. Believing that a mathematician produces his best work before the age of 45, the founders agreed to withdraw from the association at that age, after electing younger colleagues as replacements to carry on the *Elements*. Their successors have respected that precedent, and thus Bourbaki defies time.

Though the Bourbakians have managed to keep their exact membership secret, a few names have leaked out. It is no longer a secret, for example, that one charter member was André Weil, now a Bourbakian emeritus.

Some of Weil's colleagues consider him to be the world's foremost mathematician. Famed for his contributions to algebraic geometry and algebraic number theory, he currently works at the Institute for Advanced Study in Princeton. Weil has a daughter whom he named Nicolette after Nicolas Bourbaki, and he claims to have planned things so that she was born on December 6, St. Nicholas' Day.

The Bourbakians convene every October and March for a week and every June for two weeks. They customarily take over some small, remote hotel in a balmy but uncrowded French resort where they need not restrain the din of debate and the clash of temperaments. (A recent rendezvous was La Ciotat, a seaside resort near Marseilles.) *Bon vivants* all, they insist on the availability of good food and wine. The expenses are paid out of royalties held by the association. This is the only direct material benefit the Bourbakians receive from the *Elements*. None of them touches another penny of the royalties.

During these triannual conclaves the Bourbakians review the latest developments in mathematics, formulate their policies, and elect new members. But the main business is the *Elements*. They criticize work in progress and assign new subjects. It normally takes at least a year to produce a first draft, which is then mimeographed and distributed to the other members.

The Bourbakians occasionally test each other's mental alertness with a ploy they call "shaking the coconut tree." The phrase alludes to a custom said to prevail among certain Polynesian tribes. When a tribesman shows any sign of senility or infirmity, he is made to climb a tall coconut tree. His fellow tribesmen then shake the tree. If he can hang on, he is presumed to be still vigorous enough to continue as a useful member of the community. If he can't, the problem solves itself. In the Bourbaki ploy, one mathematician talking shop to another will slip in some subtly erroneous figure or inexact term. If his listener catches it, he is supposed to say, "Coconut tree."

Of the currently active members, totaling 18, two are Americans, Columbia's Serge Lang and Harvard's John Tate. When questioned about Bourbaki, Lang smiles inscrutably and says, "I cannot speak for Bourbaki." Speaking for himself, he has published textbooks on such branches of mathematics as Abelian variations, calculus and Diophantine geometry. Lang was born in France but has lived in America for 20 years. A bachelor, aged 37, he occupies an apartment near Columbia with ample room to contain a piano, his extra-academic passion. He also plays the lute.

Tate attended his first Bourbaki congress in June, 1958. He was then 33. "That's old," he says. "Many members joined at 25 or younger. Mathematics is like prizefighting. It's a young man's game." The isolated beauty of the meeting places charmed him—the first time an Alpine village, the second a village above the Mediterranean, so remote there was no public transportation to it.

Thanks to the confusion sown by his creators, the facts about Bourbaki have become hopelessly entangled with fancy. Not even the origin of the pseudonym, let alone its significance, is clear.

According to a prevalent account, it derived from a 19th-century French general, Charles Denis Sauter Bourbaki, whose statue supposedly once adorned the city of Nancy. A good many Bourbakians studied or taught at the University of Nancy. Among the academic credentials they later ascribed to Bourbaki was a professorship at the "University of Nancago" (Nancy and Chicago). If they did indeed borrow the general's name for their prodigious labors, sheer perversity must have prompted the choice, because what

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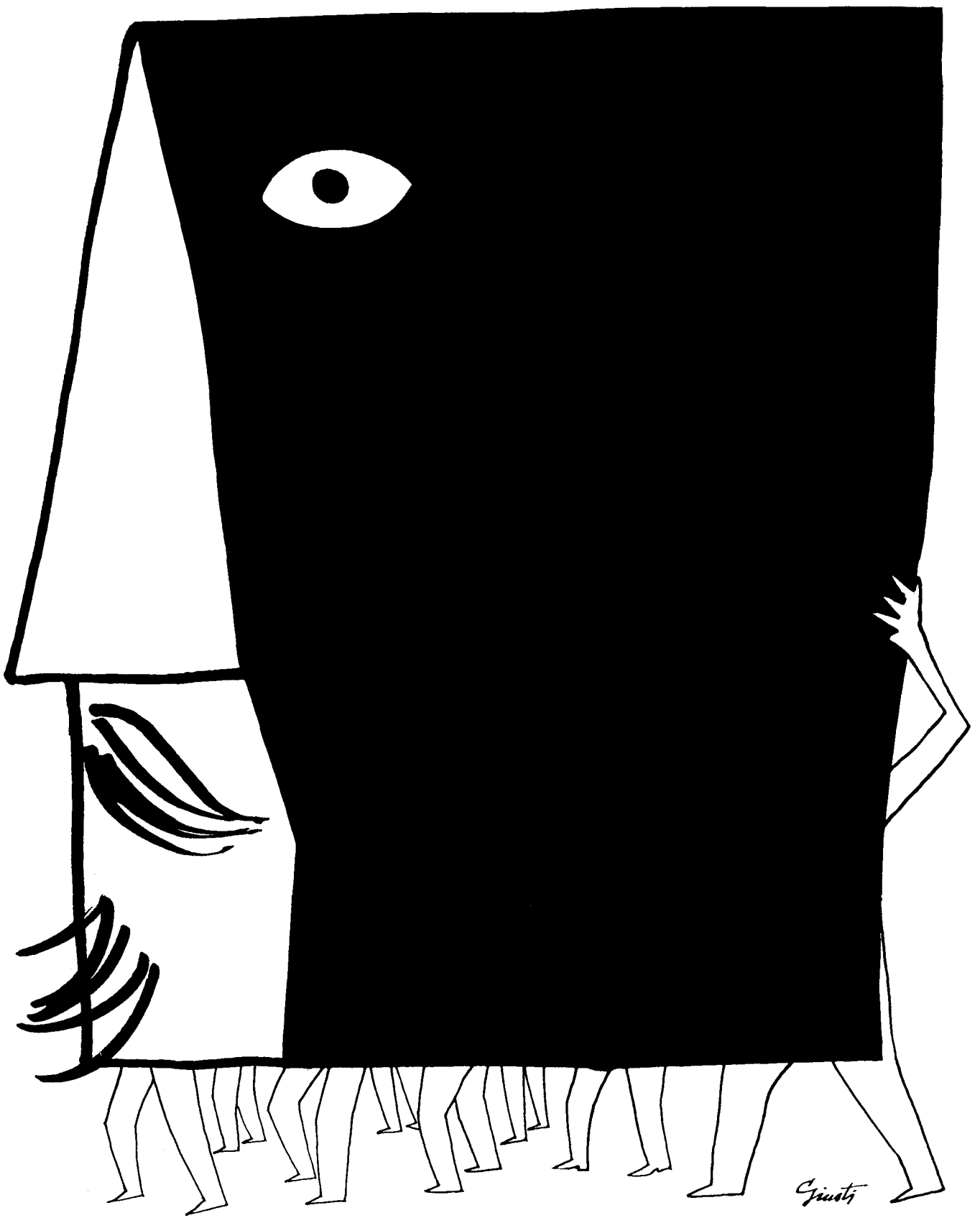

Drawing by George Giusti

chiefly distinguished him was failure. During the Franco-Prussian War General Bourbaki retreated with the remnants of his command into Switzerland, there to be interned. In his humiliation he tried to put a bullet through his brain, missed, and survived to the age of 81. He ran twice for the Chamber of Deputies and lost both times.

Today, only other mathematicians, fluent in their private language, can fully comprehend the fictional Bourbaki's achievement. "To present a view of the entire field of mathematical science as it exists" was the way Bourbaki himself defined his aim in the *American Mathematical Monthly*. (A footnote identified him as "Professor N. Bourbaki, formerly of the Royal Poldavian Academy, now residing in Nancy, France.")

Such an enterprise calls for an immense group effort far beyond the capabilities of any individual brain, which is why, aside from the fun of mystification, the Bourbakians continue to merge their identities into one super-mathematician. At the outset they found an ideal accomplice in Enrique Freymann, the imaginative, many-sided head of the publishers, Hermann & Co. A Mexican by birth, Freymann had fought in revolutions, traveled the world, mastered numerous tongues, including some Indian dialects, and plied scores of trades. To his dying day he never wearied of embroidering the Bourbaki legend. Strangers calling at his Left Bank office, hoping to meet Bourbaki, would be told the great man was on a lecture tour, or at work behind locked doors, or meditating in some remote retreat.

When a newspaper reporter pressed his inquiry about Bourbaki too hard, Freymann cautioned him: "Beware of killing a phantom. Bourbaki is nowhere and everywhere. And you want to tame him, to trap him. What madness! One must not limit universality. We had to create a new man in harmony with the new mankind, something between the human being and cybernetics. That new man is Bourbaki. If civilization is to survive, it needs a creature who thirsts only for knowledge and never dies. Such is Bourbaki. Man survives through Bourbaki, the supreme creation of modern man."

Frenchmen created Bourbaki, and though they have long since been replaced, the membership remains predominantly French. Indeed, not until 1947, Bourbaki's 12th year, was a foreigner elected. This first exception was Samuel Eilenberg, a Polish-born American, teaching at Columbia, who had left Poland shortly before the Nazi invasion. Polylingual, gregarious and exuberant, Eilenberg is a conversational charmer in the tradition of the middle-European café wits. He has an inexhaustible repertoire of Polish-Jewish stories upon which he often draws to illustrate an argument. His mathematical forte is algebraic topology. Admiring colleagues have given him the name S^2P^2, standing for Smart Sammy, the Polish Prodigy.

Not long ago a reporter totally ignorant of mathematics asked Eilenberg whether the main Bourbakian concepts could be communicated in lay language. They could not, Eilenberg assured him, and to suggest the nature of the difficulty, he told one of his favorite stories:

A small boy asked his father how wireless telegraphy works.

"First let me explain how telegraphy works *with* wires," said the father. "Imagine a dachshund so long that his head is in Warsaw and his tail in Cracow. You pull his tail in Cracow and he barks in Warsaw. Is this perfectly clear?"

"Yes," said the boy. "Now explain about wireless telegraphy."

"Exactly the same thing. Only without the dachshund." □

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JUSTICE, THE LAW AND THE LAWYER

In no other country does the legal profession enjoy so much prestige and power. Here is the way it operates, from small-town attorney to Supreme Court Justice.

The first thing we do," says Dick the Butcher in Shakespeare's *Henry VI*, "let's kill all the lawyers." It is a solution that has on occasion appealed to Americans, too. When George Washington was dying, he refused to let a lawyer anywhere near his will, and ordered that any dispute about it should be settled out of court by three arbitrators. During the early years of the 19th century, while Chief Justice John Marshall was making the Supreme Court the arbiter of American political destiny, the citizenry in market towns all over the country fought to destroy law as a profession. Nearly all the New England States passed laws requiring the courts to allow anyone, with or without legal training, to represent anyone else and collect fees for his services. Charging a jury, a judge of the New Hampshire Supreme Court opened with the words, "Gentlemen, you have heard what has been said in this case by the lawyers, the rascals! . . . A clear head and an honest heart are worth more than all the law and all the lawyers. . . ." Indiana actually wrote into its constitution a provision that "Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice." The provision was repealed in 1932, but the state still has a few "constitutional lawyers," among them men who decided 40 years ago to supplement the income from the grocery store by practicing a little law on the side.

"You can hire logic, in the shape of a lawyer, to prove anything you want to prove," wrote Oliver Wendell Holmes, poet, doctor and father of a great judge; and if these were the sentiments of New England, the attitudes of the West were unprintable. "Why is there always a secret singing," poet Carl Sandburg asked, "when a lawyer cashes in? Why does a hearse horse snicker, hauling a lawyer away?"

All American efforts to keep the lawyers from getting too big for their britches have spectacularly failed. "In no country," Justice Felix Frankfurter once said, "is the incidence of law so pervasive as it is with us." The United States has four times the population of Great Britain, and 12 times as many lawyers. Lawyers are more prominent, more influential and better paid here than anywhere else.

Not everyone likes it, even now. Clergymen, artists, political radicals criticize the law, because they *know* people would get on together if only—— The lawyer knows that there is no *only*, that people don't get on, and that the need is for a structure to control the damage done by their disagreements. And while the law inevitably expresses and serves the interests of those who are already powerful, it is also the only known device by which power can be constrained.

"Disputes," the late law professor Karl Llewellyn once wrote, "call for somebody to do something about them.

BY MARTIN MAYER *Drawings by Robert Osborn*

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First, so that there may be peace for the disputants, for other persons whose ears and toes disputants are disturbing. And secondly, so that the disputes may really be put at rest, which means, so that a solution may be achieved which, at least in the main, is bearable to the parties and not disgusting to the lookers-on. This doing of something about disputes, this doing of it reasonably, is the business of the law."

Its service, taken seriously, is demanding. In every generation, from Erskine defending Tom Paine to James B. Donovan defending the Russian spy Rudolf Abel, there have been conservative lawyers who have risked a profitable commercial practice to guarantee a decent trial to people whose unpopularity could easily rub off on their counsel. Even Sandburg made an exception for Lincoln.

After teaching, law is the largest profession—almost 300,000 licensed practitioners, 200,000 of them working as lawyers. Nearly 10,000 judges are on one form or another of the public payroll, 500 of them as "appellate court" judges, who never try cases or hear witnesses but are employed full time listening to the arguments of lawyers who wish to protest or confirm the decisions of the court which first heard the case. According to the public-opinion polls, the job of appellate court judge has the highest prestige of any occupation in America.

The American legal system is the most complicated ever devised by the wit of man, and very few statements can be made which will accurately describe the law throughout the United States. The 50 states are separate sovereignties, each an independent jurisdiction in handling questions of contract, ownership, wills, crime, civil wrongs—the bulk of the matters which concern the law. Lawyers qualify to practice in their own state; to practice elsewhere they have to satisfy another committee of the purity of their characters, and in many cases take another bar exam.

Laws differ from state to state, and where identical or nearly identical laws are placed on the statute books, as in the Uniform Commercial Code, which controls most buying and selling, varying interpretations by the state courts quickly create differences. A truck owned by a Delaware corporation, registered in New Jersey, driven by a Pennsylvanian, hits a Vermonter on the sidewalks of New York. Each state has different statutory laws, and a different body of decided cases, to handle such accidents. This particular problem is now easy because it comes up so often, but some of the questions of Conflict of Jurisdiction and Conflict of Laws are incredibly labyrinthine. In recent years American lawyers have been working more and more with the problems of their clients' European subsidiaries, an area which the Europeans call "private international law" and regard as one of the most abstruse of legal specialties. For the American lawyers, it's altogether normal; they deal with "private international law" every day for every client who does business in more than one state.

Over all spreads a federal jurisdiction, a national court system designed in theory to administer the law made by Congress in the areas allocated to Congress by the Constitution. In fact, more than four fifths of all cases in the federal courts are tried under state law, and come before federal judges through what is called "diversity jurisdiction"—i.e., the two parties have "diverse citizenship," they live in (or hold incorporation papers from) two different states. This "diversity jurisdiction" was created not by the Constitution but by the Judiciary Act of 1789, and presumably it could be taken away tomorrow by simple act of Congress. Until recently, most lawyers and judges thought it *should* be taken away. The original justification, that people from other states could not get a fair trial before juries who were the home folks of their opponents, looked ludicrous; federal judges, since 1938, have been under orders to make their decisions according to the law that would apply in the state court, and juries in both courts are locals. But in the last decade "diversity jurisdiction," offering the authority of judges appointed by the President, rather than judges selected by the courthouse gang, has been immensely valuable to the civil-rights demonstrators in the South, and now nobody but some wistful Confederates would wish to see it withdrawn.

Ultimately, quite apart from technical questions of jurisdiction, the federal Constitution is "the law of the land." The Supreme Court under Marshall successfully asserted its power to review decisions of the highest courts of the states, provided a "federal question" had been raised—and the final arbiter of whether or not a case raises a "federal question" is the Supreme Court itself. Operating first under the "interstate commerce" clause of the Constitution, and then under the "due process" clause of the 14th Amendment, the federal courts have found increasing numbers of "federal questions" in appeals from judgments of the state courts.

Periodically the state courts rebel. A "pastoral letter" from the Chief Judge of New Jersey to his lower courts in the summer of 1965 instructed them to ignore a ruling by a Federal Court of Appeals on the admissibility of confessions (federal courts have been concerning themselves with state criminal convictions only in the last decade). Last July, the Court of Appeals of New York State flatly refused, briefly, to permit an election for the state legislature on a new apportionment that had been approved by a bench of three federal district judges but which was in clear violation of the state constitution. The federal district judges took the only conceivable "maybe" out of their order, and the New York courts backed away. One of the lawyers defending the position of the New York courts made the parting comment, "You have just seen federal supremacy in living color."

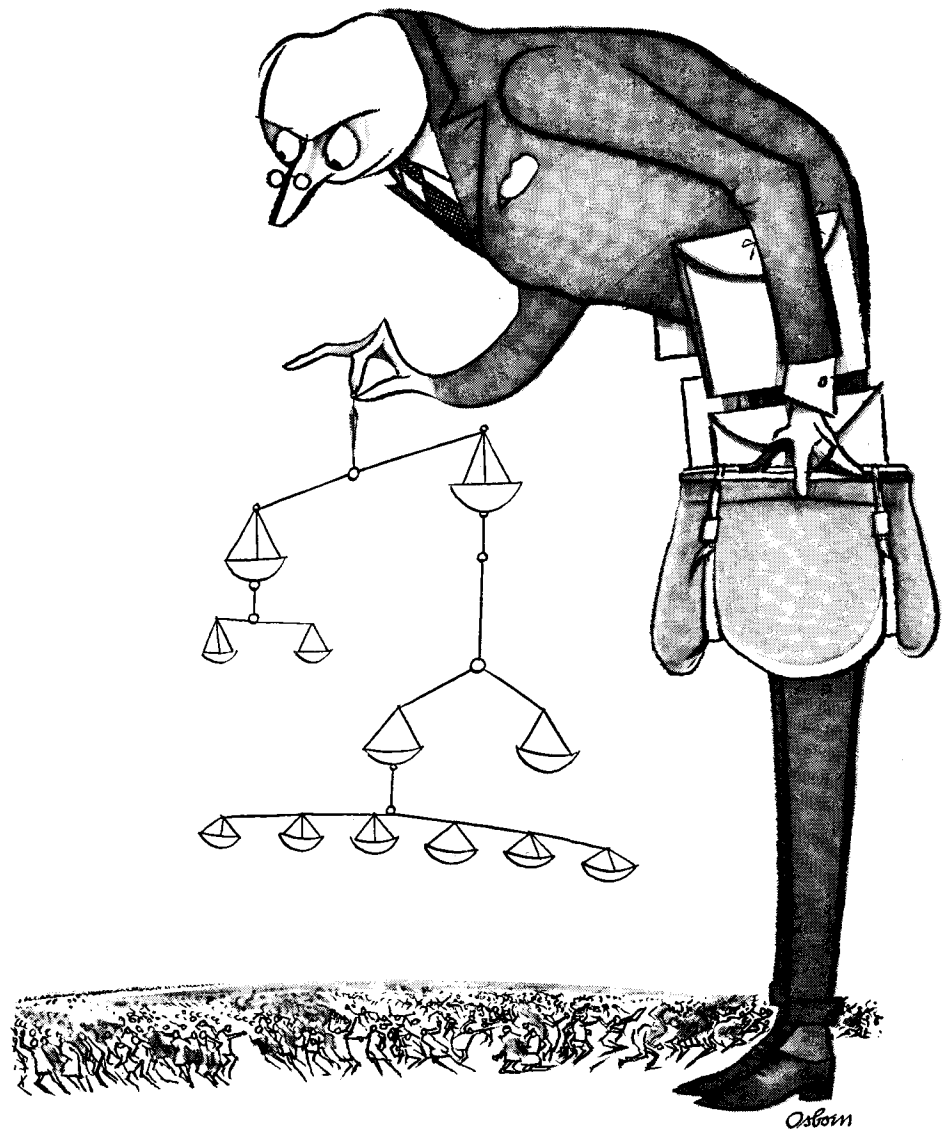
The United States was the first nation in history to organize its governmental apparatus by a written constitution, which fairly quickly came to be regarded as the true source of all authority. Despite the intense distrust of lawyers and judges throughout the farming states (even today, in many western and midwestern jurisdictions, a state judge can deliver as his charge to the jury *only* what the opposing lawyers have instructed him to say), the courts became not only the immediate mechanism for settling private disputes and punishing lawbreakers, but also a source of major political decision.

Particularly in frontier communities, law itself arrived with the judge riding circuit (as even Supreme Court Justices did for half the year, serving as district court judges, until after the Civil War). In many new towns, construction of the courthouse was begun right after the school was completed. As early as the 1830's, de Tocqueville described the lawyers as the American aristocracy. By virtue of its importance in the society, the law drew and still draws a disproportionate share of the national intelligence to its service. In this century, the lawyers have become virtually a dominant caste.

They permeate American political life. Almost 60 percent of our Congressmen and almost 70 percent of our Senators are lawyers; and the proportion has been fairly stable since the turn of the century. All but four of the *defeated* Republican and Democratic candidates for President in this century have been lawyers—and seven of the winners, too. From the days of Theodore Roosevelt to the present, all but three of our Secretaries of State have been lawyers. A physicist at the Rand Corp. commented during the Geneva negotiations for an atom-test-ban treaty (at which the United States was represented by Arthur Dean of the Wall Street firm of Sullivan & Cromwell), "When any other country has to deal with a technical problem, they get somebody who knows about it; we just brief a lawyer."

Experience and training have given the lawyers what Judge Learned Hand once called 'a bathtub mind"—they can fill their heads with the facts immediately necessary, then pull the plug, scour away all recollection of the last matter, and refill for the new situation. The best of them are fantastically educable: Dean, for example, once got deep enough into Japanese law and culture to invent a type of Japanese mortgage which would make Japanese securities safe investments for American institutions. And they are immensely skilled and tough negotiators, with traditions of service and of viable compromise. As Justice Robert H. Jackson wrote in 1941, "Struggles over power that in Europe call out regiments of troops, in America call out

'The American legal system is the most complicated ever devised by the wit of man.'



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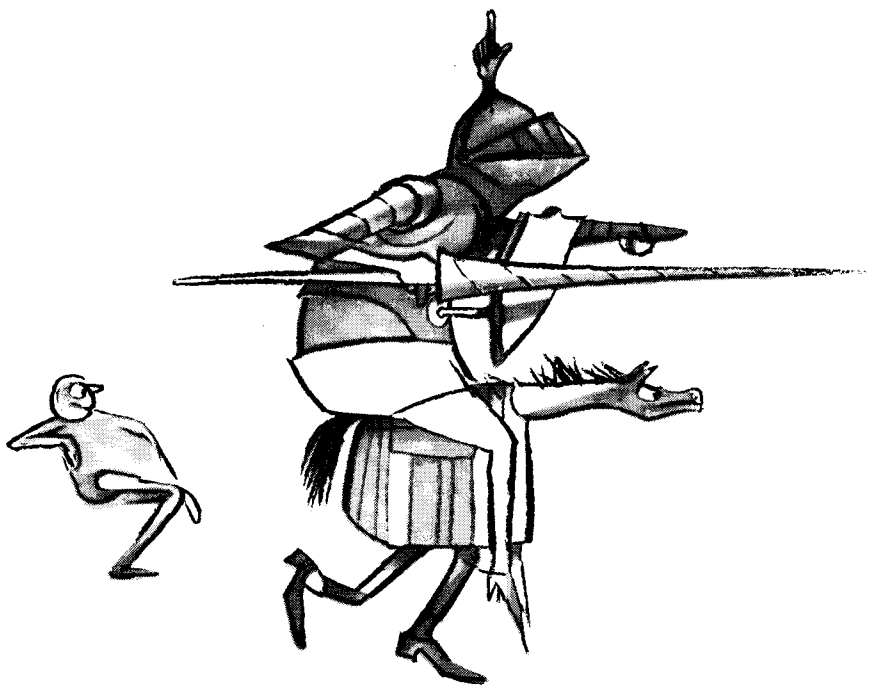

'We have an adversary system of law, ar

battalions of lawyers." The streams of lawyers who flow through Washington as Assistant Secretaries and Deputy Secretaries form an American substitute for the highly trained and professional civil servants who actually run all the other governments of the western world. A schoolboy's misquotation of John Adams put the matter precisely a generation ago: "We have a government of lawyers, not of men."

Because no major business decision can be made without considering the "tax consequences" and the "antitrust consequences," lawyers are also valuable members of the boards of directors of most big corporations. Most companies of any size not only "retain" a firm of lawyers to make sure they can successfully negotiate with governments and with other corporations but they also support an inside "legal department." (This situation has long been a source of unhappiness in the profession. "Once lawyers had clients," Justice Louis D. Brandeis observed half a century ago. "Now clients have lawyers.") The nation's charitable and cultural enterprises, too, rely heavily on lawyers: they chair the boards of the museums, the libraries, the symphony orchestras and the universities. In a sense, the lawyer is the original public-relations man—by training and function, he sees how corporate actions will look to outsiders.

Most of the men who operate on this exalted level come from one of the big law firms which are a uniquely American contribution to a universal profession. About 50 such firms, half in New York and half outside, offer the services of 50 or more lawyers—who are not, however, "lawyers" as the television audience knows "lawyers." The great majority of them will not see the inside of a courtroom from one end of the year to the other; any matters that reach court will be tried by a separate "litigation department" in the firm, or even farmed out to outside counsel. The big firms handle the multifarious legal problems of banks, insurance companies and businesses—they advise their clients on taxes and government regulations, mergers, loans and financings, labor negotiations, contracts to buy and sell properties so valuable that a few tens of thousands of dollars in legal fees seem trivial by comparison with the investment they protect. Such lawyers also handle, very profitably, the taxes, wills and estates of people who own big chunks of businesses, and with normal human perversity they are often most proud of the long-standing warm personal relations they have enjoyed with clients whose legal matters are almost entirely commercial. Historically these lawyers, like their clients, have been North European in origin and Protestant in religion, the justification being that clients have to tell their lawyers a lot of things WASP businessmen would hesitate to tell an Italian Catholic or a Jew. Today the businessmen are better educated, and nothing but brains counts for much—even women sometimes get to be partners, though rarely. Of course, the Wall Street lawyer, like his small-town colleague, is normally expected to shave his chin every day and to come to the office in a clean suit.

Almost everyone in such a firm has a specialty, a separate area of the law which he knows as the milkmaid knows her cow. Teams of such specialists can, at least in theory, foresee all the legal consequences of any piece of corporate action and keep the corporation out of positions in which the cow might kick it. Justice Oliver Wendell Holmes Jr. once suggested to law students that to understand the law they should look at it through the eyes of "a bad man." Law is practiced on this principle in the big firms: the aim of every contract is to protect the client if it turns out that the fellow on the other side is a scoundrel or is confused (which is more common and may be worse). This is a great source of conflict between the lawyer and the businessman, who (in the words of a young Detroit lawyer) "doesn't want to fool around with all that crap; he wants to do the deal on the back of an envelope." By pointing out to the businessman all the ways he might get stung, the lawyer acquires a reputation as a pedant and pettifogger, or even as a sharp gent with too many ideas for larceny. Sometimes the reputation is deserved. One New York lawyer who specializes in corporate infighting likes to say that "in every negotiation there's a moment when I tell the other guy, 'Look, if we're going to make a deal, there are some areas where we've just got to trust each other or we can't get anywhere'—and if he's fool enough to believe me, it's a big advantage for my client."

Many modern legal documents—"private law," contracts between parties which will be enforced by the courts just as much as the law against stealing will be enforced, but only between the two of them—run longer than this issue of this magazine, and every word has at least one purpose. A misplaced comma can make a difference. Where a contract involves a number of separate parties, each represented by his own counsel, the mere putting-together of the deal, after all negotiations have apparently been concluded, can be an exhausting experience.

Two summers ago, for example, a group of American steel and insurance companies arranged to buy, at a price in eight figures, some of the enormous iron deposits recently discovered in Labrador. As the deal neared completion (it fell through at the last minute), a ballroom was hired in a New York hotel and mountains of documents were stacked along its walls. As many as 50 lawyers, representing the different interests involved, would work together in the ballroom, determining the possible tax impact or antitrust dangers or pure economic risk inherent in each piece of paper. For much of July they worked seven days a week to midnight or even later. A partner in one of the law firms which had men in the ballroom dropped by after the theater one Saturday night to see how his colleagues were getting on, and was appalled at the mass of white-shirted, unhappy humanity before him. "Why don't we just do it on a handshake?" he suggested cheerfully; but nobody laughed.

Many clients and some lawyers think the machine of the big firm has gone out of control and now runs on for its own purposes and sometimes for its own benefit. The fanatic detail work of getting information on paper in proper form for big bank loans or for issues of new securities is known to the young lawyers who plod through it as "boiler-plate." Earl W. Kintner, former chairman of the Federal Trade Commission now practicing in a medium-sized Washington firm, uses the term "leaf-raking" to describe the searches through legal and corporate history that juniors make (several researching the same point from different angles, unknown to each other).

"I told my partners when I came into this firm," Kintner said recently, "that I never wanted more than four or five assistants—I didn't want to be in a position where I had a staff that I had to keep busy."

One of the great sights of modern America is the big antitrust trial, sometimes with literally dozens of defense counsel representing different defendants, sitting at rows of tables in the well of a courtroom. A moment sticks in the memory from the 1964 trial of the kosher meat-packers for price-fixing (they were acquitted). An aging delicatessen owner was on the stand in one of the dark first-floor courtrooms in New York's skyscraper federal Court House. An eager young Assistant U. S. Attorney was cross-examining him. Casting a knowing eye at the jury, the boy said, "In October, 1945, did you know a man named Levine?" At the defense table, 14 white-haired, highly paid lawyers rose in a wave to object—not all at once, because they did not all have the same reaction time. And an irritated judge waved them down. "Yes," the judge said to the young prosecutor, "he knew a man named Levine. What Levine are you talking about?"

Here, too, of course, there is another side to the story. Every once in a while extreme care in spelling out the reciprocal obligations of a contract can save a client from business catastrophe, or from sudden, fatal intervention by the Government. When there are cases to be tried, it is impossible for a lawyer to know too much. Joseph M. Proskauer, in his time a great advocate and a belligerent judge, now in his 80's and bent over but still active as head of a New York law firm, likes to tell of George Wharton Pepper's discussing a case that had been handled first by Charles Evans Hughes (who had to drop it because he was appointed Chief Justice) and then by John W. Davis. "Pepper said," Proskauer recalls, "that Davis knew all about the case that it was necessary to know—but Hughes knew *all* about it." This is the way the great trial lawyers measure each other—not by brilliance of argument, sharpness of cross-examination or depth of legal learning, but by mastery of the specific facts. "The most dangerous opponent," says Milton Pollack, a tall, amiable lawyer in his late 50's whose small office does virtually nothing but argue cases sent his way by 80-man offices, "is the fellow who's prepared his case—it doesn't matter if he's at the top or the bottom of the bar." And that sort of preparation often takes staff work.

About a third of the lawyers in the big firms are "partners," a term which does not by any means imply equality of income or of voice in the affairs of the firm. (There are firms with 20 or 30 partners which are believed to have only three or four *real* partners, who take the risks and split the gains; the other partners have the status but are basically on salary.) The other lawyers in the shop are employees, called "associates," a gallant description invented 40 years ago to replace the inelegant word "clerk," which did seem a little

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lawyer is hired to do battle for his client.'

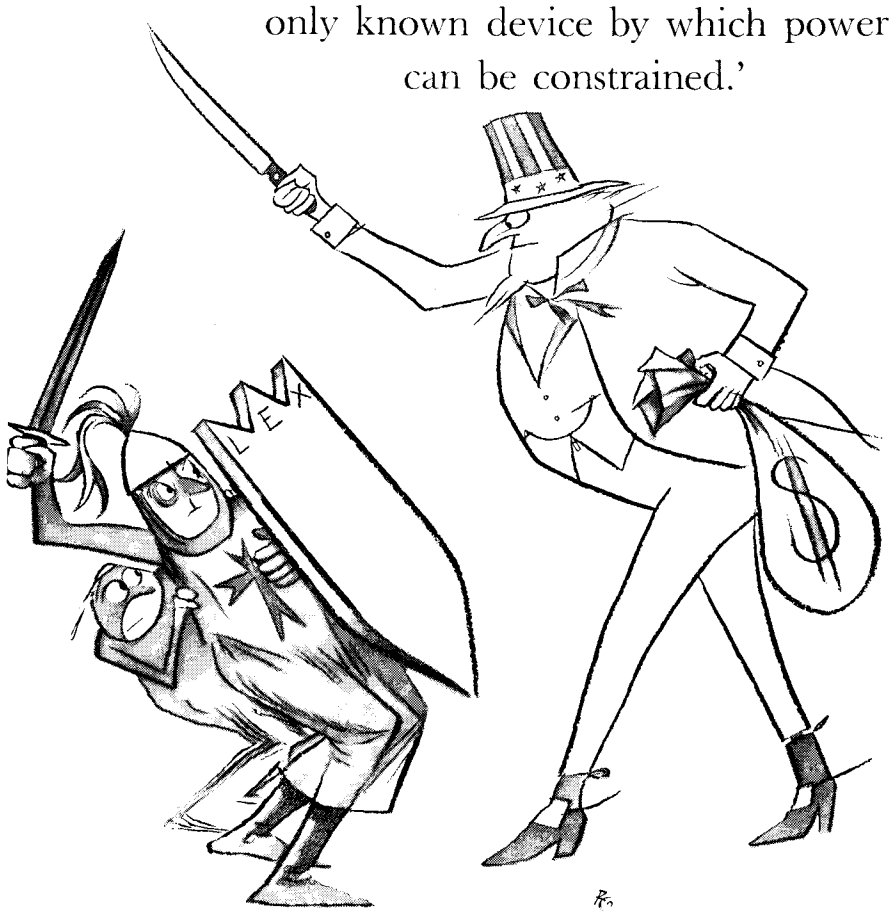
hard on graduates from the best law schools. (When the term was invented, the best law schools were Harvard, Yale and Columbia, which are still by far the most heavily represented in the big firms; but Chicago, Michigan, Virginia and California have been creeping up.) Virtually all partners started as associates in the same firm and got promoted, but only a few of the associates, perhaps one in eight, can expect promotion. The others leave within 10 years of their arrival, often to the legal departments of corporate clients, where they may start a climb to executive status in business.

The offices of the big firms spread over two, three, or more floors in the best office buildings, and for each lawyer there are usually one and a half other employees, secretaries, file clerks, receptionists, accountants, messengers and librarians (who manage what may be as many as 20,000 fat volumes of law books owned and used by the firm). The décor is normally conservative: ensconced on the 57th floor in the new Chase-Manhattan tower near Wall Street, the firm of Cravath, Swaine & Moore still searches the antique shops for Louis XVI furniture. Old standing clocks, ship models, portraits of Victorian figures, Oriental rugs—all may contribute to soothing the anxieties of a client, who visits his lawyer, usually, because he is anxious.

An office with 50 lawyers requires at least two million dollars in fees to keep afloat. The largest of the law firms—New York's Shearman & Sterling, with about 170 lawyers and offices in both the uptown and downtown buildings of the First National City Bank, its largest client—probably takes in seven million dollars (such figures are never announced and almost never leaked). Nearly all of it must come from charges for lawyers' time—about $50 an hour for a partner in the firm (very senior people with large reputations, like Thomas E. Dewey of Dewey, Ballantine, Bushby, Palmer & Wood, may cost up to $100 an hour), $30 an hour for the average "associate."

A senior partner's income, however, is a slice of the profits rather than a salary and may run 10 to 30 times as high as a junior's. A Wall Street law firm is a lesson in Marxist economics—the bosses profit by the "surplus value" churned out in the labor of the workers. And the situation takes on an almost sinister appearance when one knows about the very secret lunch held annually by selected partners of half a dozen big firms, to decide what *everyone* will offer the new law-school graduate. (This might make an interesting anti-trust prosecution for some ambitious Justice Department lawyer.)

'The law is the only known device by which power can be constrained.'



Associates are allowed to exercise only limited responsibility. They cannot normally sign the firm's name on letters to clients or fellow lawyers, and they are fairly sure to function for some years as somebody's second in matters of any importance. Still, the associate will find himself from the beginning working on deals and cases of satisfyingly great importance, the sort of thing that winds up in the newspapers—and he will also do well. The going price on Wall Street last June was $7,800 (plus substantial year-end bonus) for a recently graduated "*Law Review* man" whose grades in law school were high enough to qualify him for work on the school's scholarly journal of the law. (It is one of the great oddities of the law that the most significant publications in the field are student-edited and in part student-written.) Associates with 10 years of experience, trembling on the brink of partnership or severance, may earn as much as $20,000. In 1964 the Harvard Law School Class of 1949 printed the results of a survey of how well its members were doing after being out of school for 15 years. More than 330 of the 625 graduates replied, and few of them can be senior partners anywhere. Their average income was $33,000. Of those in practice, the great majority were with sizable firms.

People work atrociously hard in the big law firms. Counting the one or two nights a week spent "downtown" and the papers brought home every night and weekend in the fat briefcase (the very name "briefcase" comes from the law), most lawyers in big firms put in 50 to 60 hours a week; and the annual month's vacation is more likely than not to be interrupted. Harrison Tweed of New York, in the book *Listen to Leaders in Law*, tells a story from his own apprenticeship:

"My particular boss, James Byrne . . . assigned me a question of law to look up on a Friday afternoon, insisting that I have a memorandum ready for him by ten o'clock on Monday. At that hour my memorandum was still in the hands of the stenographers. Mr. Byrne demanded to know why it was not ready, and I humbly pleaded that I had not had time to finish it. He glared at me and asked, 'What time did you go home on Friday night?' I replied, 'Three o'clock in the morning.' 'What time did you go home Saturday night?' I told him that I had quit at two o'clock in the morning. Then came the final 'What time did you go home Sunday night?' And I had to confess that I had done so at eleven o'clock, whereupon he pounded the desk and said: 'Don't tell me that you didn't have time to finish that memorandum. Tell me the truth—that you wanted to go home early Sunday night.'"

Most daylight hours go to advising clients, on the telephone or at meetings, to dictating letters and memoranda and sometimes briefs; but the worst burden is just keeping up with the law. Between them, our courts and administrative agencies, such as the National Labor Relations Board, annually grind out something like 300,000 "reported decisions"—those considered important enough to call to the attention of lawyers—and a specialist has to know what is happening in his specialty in 50 states and all 11 federal circuits, not to mention the Washington agencies. Legal publishers helpfully provide a bewildering variety of daily and weekly "services"—separate magazines, punched to fit in binders, priced at $200 a year and up, for tax lawyers, labor lawyers, patent lawyers, insurance lawyers and so on.

(Significantly, there is no "service" for the lawyer who works in the criminal courts: It's the poor people, mostly, who are accused of crimes, and, on the fees they can pay, lawyers can't afford to support publications. Now that the Supreme Court has required that every defendant have an attorney, the profession is scrambling to find enough lawyers willing to take on the idealistic but unpleasant and frustrating work of representing the ragged, dirty, typically stupid and usually guilty people who are charged with crimes. "Public Defenders" are necessary not only because poor people can't afford lawyers but also because the job that looks so romantic from a distance looks distastefully grubby from close up.)

Less than a quarter of the lawyers in America work in a firm with as many as 10 lawyers on the premises, and about half practice alone, with a shingle and a

(*Continued on page 70*)

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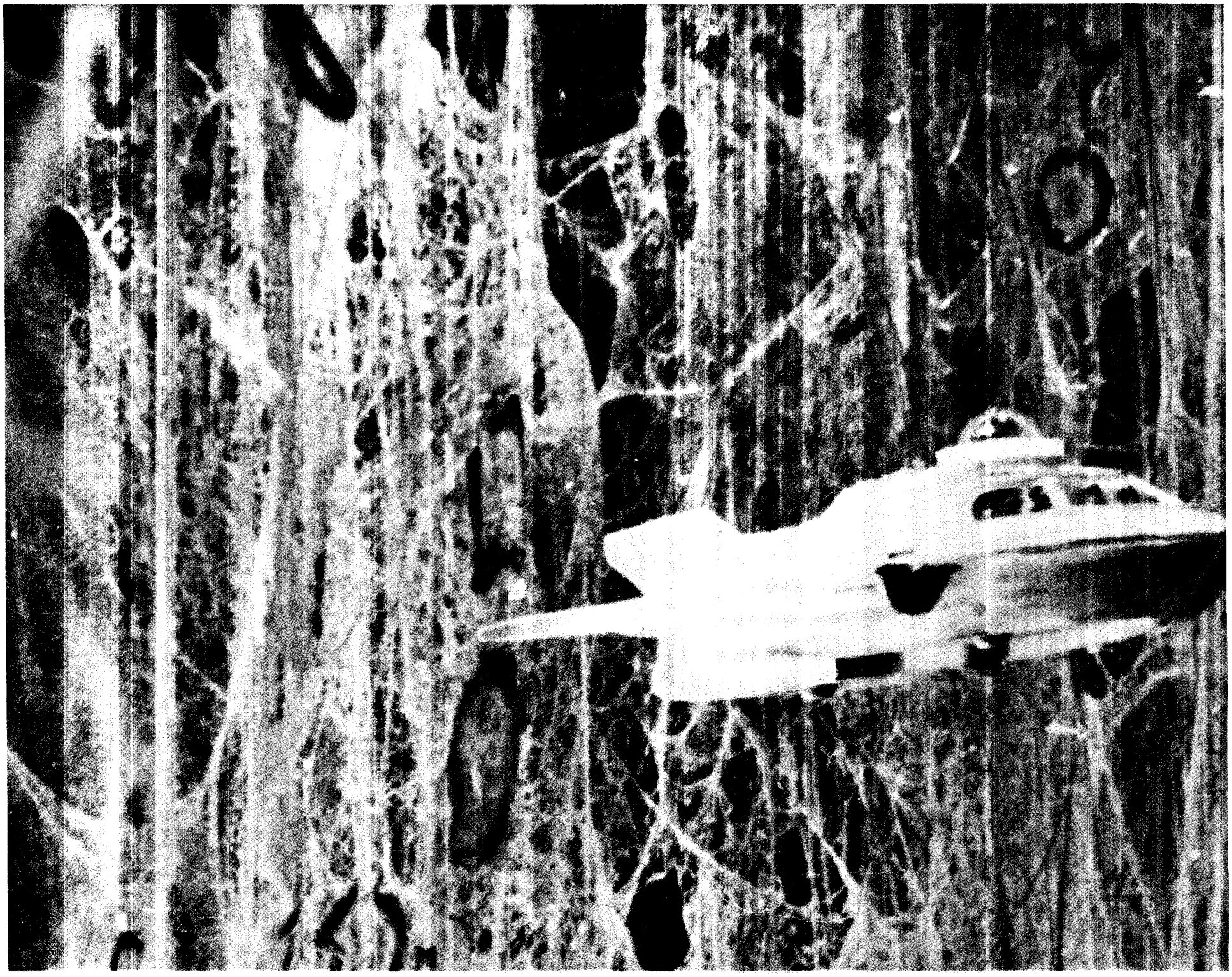

The year is 1995. A brilliant scientist, who holds the key to the survival of mankind, defects to the West. Despite every precaution, enemy agents try to assassinate him before he can reveal his knowledge. Now he lies near death, a blood clot in his brain. To save his life, a team of five Americans must attempt a hazardous rescue operation. They and their submarine must be miniaturized—atomically shrunk to the size of a single bacterium—and injected into the stricken man's bloodstream. They have only 60 minutes to make their way to his brain and destroy the clot. And one of them is a traitor determined to sabotage the entire desperate mission.

The plane was an old one, a four-engine jet that had been retired from active service, and it came in along a route that was neither economical nor particularly safe. It nosed through the clouds on a trip that took twelve hours where five might have sufficed with a rocket-powered supersonic.

And there was well over an hour to go.

The American secret agent aboard knew that his part of the job wouldn't be finished till the plane touched down. He glanced at the only other man in the cabin, who was napping for the moment, with his chin buried in his chest.

The passenger didn't look particularly striking or impressive, but he was the most important man in the world.

Gen. Alan Carter looked up glumly when Colonel Reid walked in. Both were specialists, drafted for work in a super-specialty, with military rank for convenience and, considering the applications of the field, out of necessity. Both had the CMDF insignia. In the case of Col. Donald Reid, it was the caduceus that marked him as a medical man.

"Guess what I'm doing," said the general. His voice rose a notch. "I sit here with my hands wet, my heart pounding, and I count the hours. Only now it's the minutes. Seventy-two minutes, Don. Seventy-two minutes and they're down at the airport."

"All right. Why be nervous, then? Is there anything wrong?"

"No. Nothing. He was picked up safely. He was taken right out of Their hands with, as far as we know, not a hitch. He got safely into the plane, an old one ——"

"Yes, I know."

"We figured that They would figure that We would figure time was of the utmost importance, so that We would pile him into an X-52 and rocket him through inner space. Only We figured They would figure that and have the anti-missile network at saturation level."

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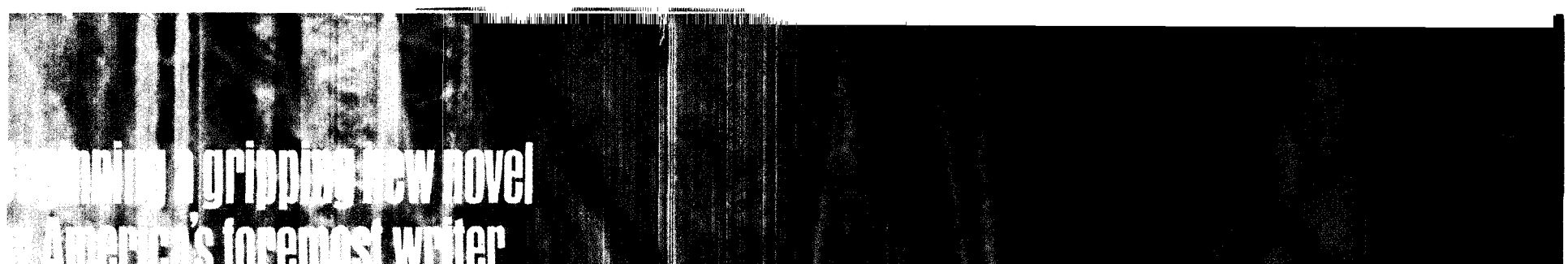
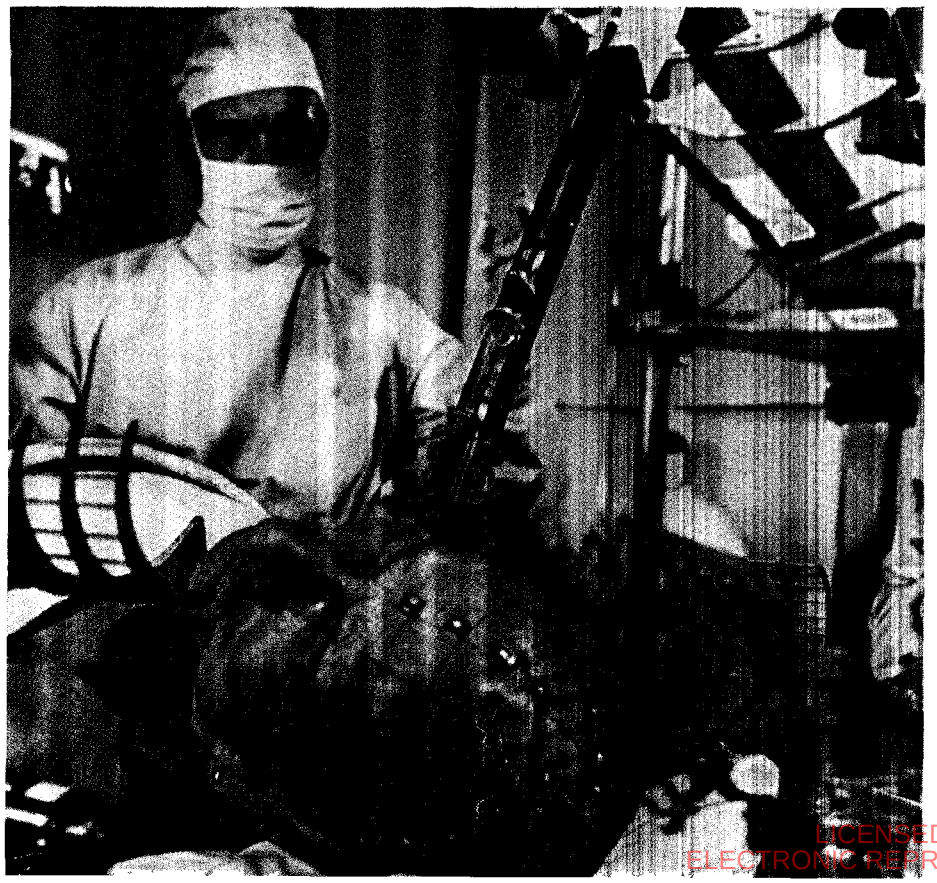


Fantastic Voyage

Into the Human Brain

by Isaac Asimov

Professor Benes' head was shaven and marked off like a nautical chart. Beyond it was a group of sensitive detectors intended to react to the presence of radioactive emissions.



Reid said, "Paranoia, we call it in my profession. I mean, for anyone to believe They'd do that. They'd risk war and annihilation."

"They might risk just that to stop what's happening. I'd almost feel We ought to risk it if the situation were reversed. So We took a commercial plane, a four-engine jet. I was wondering if it could take off, it was so old."

"Did it take off?"

"Yes, yes. It's coming along fine. I get my reports from Grant."

"Who's he?"

"The agent in charge. I know him. With him in charge, I feel as safe as it is possible to feel, which isn't much. Grant ran the whole thing; flicked Benes out of Their hands like a seed out of a watermelon."

"Well, then?"

"I tell you, Reid, there's only one safe way of handling matters in this damned racket. You've got to believe They're as smart as We are; that for every trick We've got, They've got a countertrick; that for every man We've got planted on their side, They've got one planted on ours. This has been going on for over half a century now. We've *got* to be evenly matched, or it would have been all over long ago. This thing *now*, this thing Benes is bringing with him, this new knowledge, may end the stalemate once and for all. And with ourselves as winners."

Reid said, "I hope the Others don't think so, too. You know, Al, so far there have been rules to this game. One side doesn't do anything to back the other side into a corner so tight he has to use his missile buttons. You've got to leave him a safe ledge to step back on. Push hard but not too hard. When Benes gets here, They may get the notion They're being pushed too hard."

"We have no choice but to risk that."

General Carter had risen to his feet, and began to walk back and forth. "But suppose he does get here in seventy-two—sixty-six minutes. Suppose he lands at the airport. He's still

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The limousine spun out of control and smashed into a telephone pole. The kamikaze *car burst into flames.*

got to be brought over here safely."

Reid said, "What about consequences? It won't do to wait till he gets here. You'll be too busy then, and all the little ants at the Pentagon will start rushing about madly, so that nothing will get done that I think needs to be done."

"I promise. . ." The general's gesture was a vague one of dismissal.

Reid ignored it. "No. You're not going to be able to keep any promise you make for the future. Call the chief now, will you? *Now!* Get him to understand that CMDF isn't the handmaiden of defense only. Tell him I want some crumbs for the bio-sciences. Look, Al, we've got to have a voice loud enough to be heard. Once Benes gets here and is jumped by all the real generals, damn them, they'll have us out of commission forever."

"I can't, Don. And I won't. I'm not doing a damned thing till I've got Benes here. And I don't take kindly your trying to put the arm on me."

"What am I supposed to do?"

"Wait—as I am waiting. Count the minutes. Count the minutes."

It was almost with relief that Colonel Reid stepped into the office of Dr. Max Michaels, the civilian head of the Medical Division. Michaels had the inevitable chart—or one of them—in his hand. To Colonel Reid, all those charts were alike, each a hopeless maze.

The bloodstream, it seemed, was tagged with a trace of mild radioactivity, and the organism (it could be a man or a mouse) then took its own photograph by a laser principle that produced a three-dimensional image.

Reid looked at the chart over Michaels' shoulder and said, "Whose is that, Max?"

"No one's, to speak of." Michaels tossed it aside. "I'm waiting, that's all. When someone else waits, he reads a book. I read a blood system."

"You're waiting, too, eh? So's he." Reid nodded in the direction of General Carter's office. "Are you waiting for the same thing?"

"For Benes to get here. And yet, I don't entirely believe it."

"Don't believe what?"

"I'm not sure the man has what he says he has. I'm a physiologist, to be sure, and not a physicist," Michaels said, "but I like to believe the experts. They say there's no way. I hear them say that the Uncertainty Principle makes it impossible to do it for longer than a given time. And you can't argue with the Uncertainty Principle."

"I'm no expert either, Max, but those same experts tell us that Benes is the biggest expert of them all in this field. The Other Side has had him, and they've kept even with us just because of him—*just* because of him. They have no one else in the first rank, while we have Zaletsky, Kramer, Richtheim, and all the rest. And our biggest men believe he must have something."

"Do they? Or do they just think we can't afford not to take a chance on it? After all, even if he turns out to have nothing, we win just out of his defection. The Others would no longer have the use of his services."

"Why should he lie?"

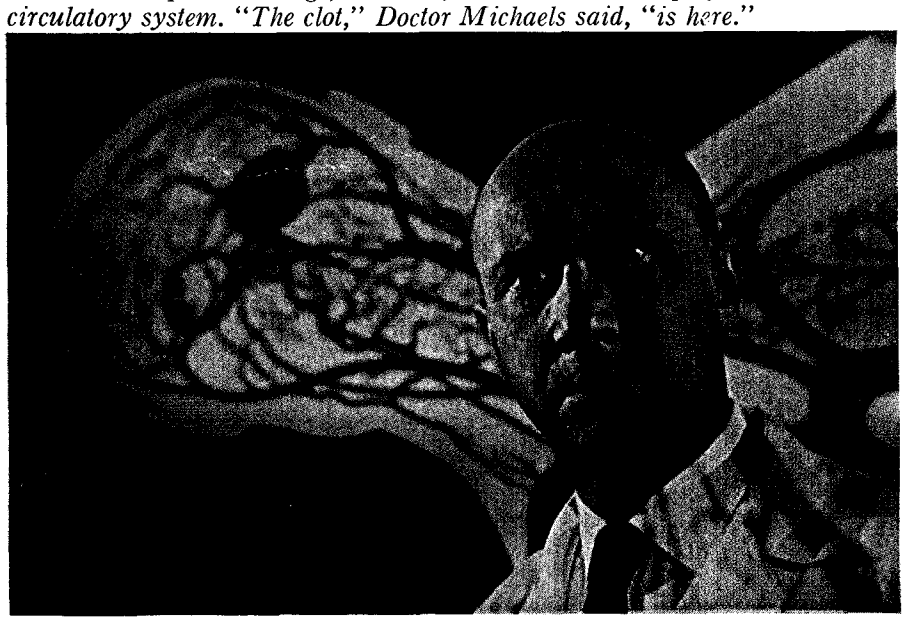
Michaels said, "Why not? It's getting him out. It's getting him here, where I suppose he wants to be. If it turns out he has nothing, we're not going to send him back, are we? Besides, he may not be lying; he may just be mistaken."

"You've got a point there. . . . Carter's counting the minutes, and now so am I. It's forty-two minutes."

"Till when?"

"Till the plane carrying him lands at the airport. And the bio-sciences have nothing. If Benes is just pulling off a deal to escape from the Other Side, we have nothing; and if it's legitimate, we'll still have nothing. The Defense Department will take it all, every slice, every crumb. They'll hold onto it, too."

The wall lit up with a huge, intricate, tridimensional map of Benes' circulatory system. "The clot," Doctor Michaels said, "is here."



"Nonsense. Maybe just at first they will hang on, but we have our pressures too. We can always turn Doctor Duval loose on them."

A look of distaste came across Reid's face. "I would love to throw him at the military. The way I feel now, I would love to throw him at Carter too. If Duval were negatively charged and Carter positively charged and I could get them together and let them spark each other to death . . ."

"You take Duval too seriously. A surgeon is an artist, a sculptor of living tissue. A great surgeon is a great artist and has the temperament of one."

"I suppose so. I suppose so," muttered Reid, but he was not mollified. "Thirty-seven minutes."

If anyone had repeated Michaels' capsule description of Duval to Dr. Peter Lawrence Duval, it would have been met with the same short grunt that a confession of love would have been. It was not that Duval was insensitive to either insult or adoration; it was just that he reacted to them only when he had time, and he rarely had time. Total dedication to his work had brought him, by his mid-forties, to international renown as a brain surgeon, and had left him a bachelor.

He did not look up from the careful measurements he was making on the tridimensionalized X-ray photographs that lay before him when the door opened. His assistant came in with her accustomed noiseless steps.

"What is it, Miss Peterson?" he asked, and squinted even more intently at the photographs. The depth-perception was plain enough to the eye, but measuring the actual depth called for a delicate consideration of angles, plus an advance knowledge of what that depth was likely to be.

Cora Peterson waited for the moment of additional concentration to pass. She was twenty-five, just twenty years younger than Duval, and her master's degree in medical physics, only a year old, had been laid at the feet of the surgeon. In the letters she wrote home, she explained almost every time that each day with Duval was a college course; that to study his methods, his techniques of diagnosis, was to be instructed beyond belief.

In less intellectualized fashion, she was perfectly aware, with almost the awareness of a professional physiologist, of the quickening of her heartbeat as she took in the planes and curves of his face and noted the quick, sure, unwavering motion of his fingers. Her face remained impassive, however, for she disapproved of the rapid beating of her heart.

Her mirror told her, clearly enough, that she was not plain. Quite otherwise. Her eyes were wide-set and dark; her lips reflected quick humor when she let them do so—which wasn't often; and her figure attracted so much attention it annoyed her.

Duval, at least, appreciated her efficiency and seemed unmoved by her attractiveness, and for that she admired him the more.

She said, "Benes will be landing in less than thirty minutes, Doctor."

"Hmm." He looked up. "Why are you still here? Your day's over."

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She said, "I'm waiting to see Benes. Doesn't it excite you, Doctor?"

"No. Why should it?"

"He's a great scientist, and they say he has important information that will revolutionize all we're doing."

"For what Benes will add, only the war-makers will have any use. All Benes will do will be to increase the probability of world destruction."

"But Doctor Duval, you've said that the extension of the technique could be of great importance to the neurophysiologist."

"Have I? All right, then, I have. But just the same, I'd rather you got your proper rest, Miss Peterson." He looked up again. "You look tired."

"Once Benes arrives, I will. I promise I will."

She turned to leave, looked quickly at her watch, and said, "Twenty-one minutes—and I understand that the plane's on time."

Capt. William Owens sank back into the cushioned seat of the limousine. He felt the car lift on its firm jets of compressed air, then move forward with absolute levelness.

Colonel Gonder, the head of the Secret Service, was to Owens' left. Through the bulletproof windows, he could see a motorcycle escort. Other cars were ahead and behind, their headlights glimmering in the night.

They were on the outskirts of the airfield now. Somewhere above and ahead, surely not more than a few miles distant, was the archaic plane, preparing for a landing.

Owens said, "Quite a coup, getting him here. The Service is to be congratulated."

"The credit belongs to our agent, Grant. He's our best man." Gonder added, "You *will* know Benes, won't you?"

"I'll know him," said Owens, with his short, nervous laugh. "I've met him several times at scientific conferences on the Other Side. I got drunk with him one night."

"Did he talk?"

"I didn't get him drunk to make him talk. But anyway, he didn't talk. There was someone else with him."

"Did *you* talk?" The question was light; the intent behind it was not.

Owens laughed again. "Believe me, Colonel, there is nothing I know that he doesn't."

"I wish I knew something about this. You have my admiration, Captain. Here is a technological miracle capable of transforming the world, and there are only a handful of men who can understand it."

"It's not that bad, really," said Owens. "There are quite a lot of us. There's only one Benes, of course, and I'm miles from being in *his* class. In fact, all I know is how to apply the technique to my ship designs."

"But you'll recognize Benes? It's not exactly an academic point, Captain. Our agent, Grant, is good, as I've said, but even so, I am a little surprised that he managed it. I have to ask myself: Is there a double double-cross involved? Did They expect us to try to get Benes and have They tricked us by preparing a pseudo-Benes?"

"I can tell the difference," said Owens, confidently. "The face can fool me, but the conversation won't. Either he knows the technique better than I do or he's not Benes, whatever he looks like. They can fake Benes' body, perhaps, but not his mind."

They were on the field now. Colonel Gonder looked at his watch. "I hear it. The plane will be landing in minutes—and on time."

Armed men and armored vehicles spread out to join those that had already surrounded the airfield.

Benes would be here, at last, in one more moment.

As the plane began its long approach, Grant watched the lights of the city with intense relief. No one had given him any real details about the importance of Doctor Benes—except for the obvious fact that he was a defecting scientist with vital information. He was the most important man in the world, they had said—and then had not explained why.

So it was done. He might never have made it if They hadn't been afraid of killing Benes. By the time They got to the point where They realized that killing Benes was the only way They could salvage even a draw, it was too late and he was out.

Grant looked sidewise at Jan Benes. The scientist was pushing fifty, Grant knew, but he looked older.

Benes was leaning forward, watching the lights of the approaching city.

"That's our second-largest city up ahead," Grant said. "You can have it, though. I'm from the other end of the country."

"To me it doesn't matter. One end. The other end. As long as I'm here." There was a sadness in his eyes.

Breaking away is hard, thought Grant, even when you feel you must. He said, "We'll see to it you have no time to brood, Professor. We'll put you to work."

Benes retained his sadness. "I'm sure of that. It is the price I pay."

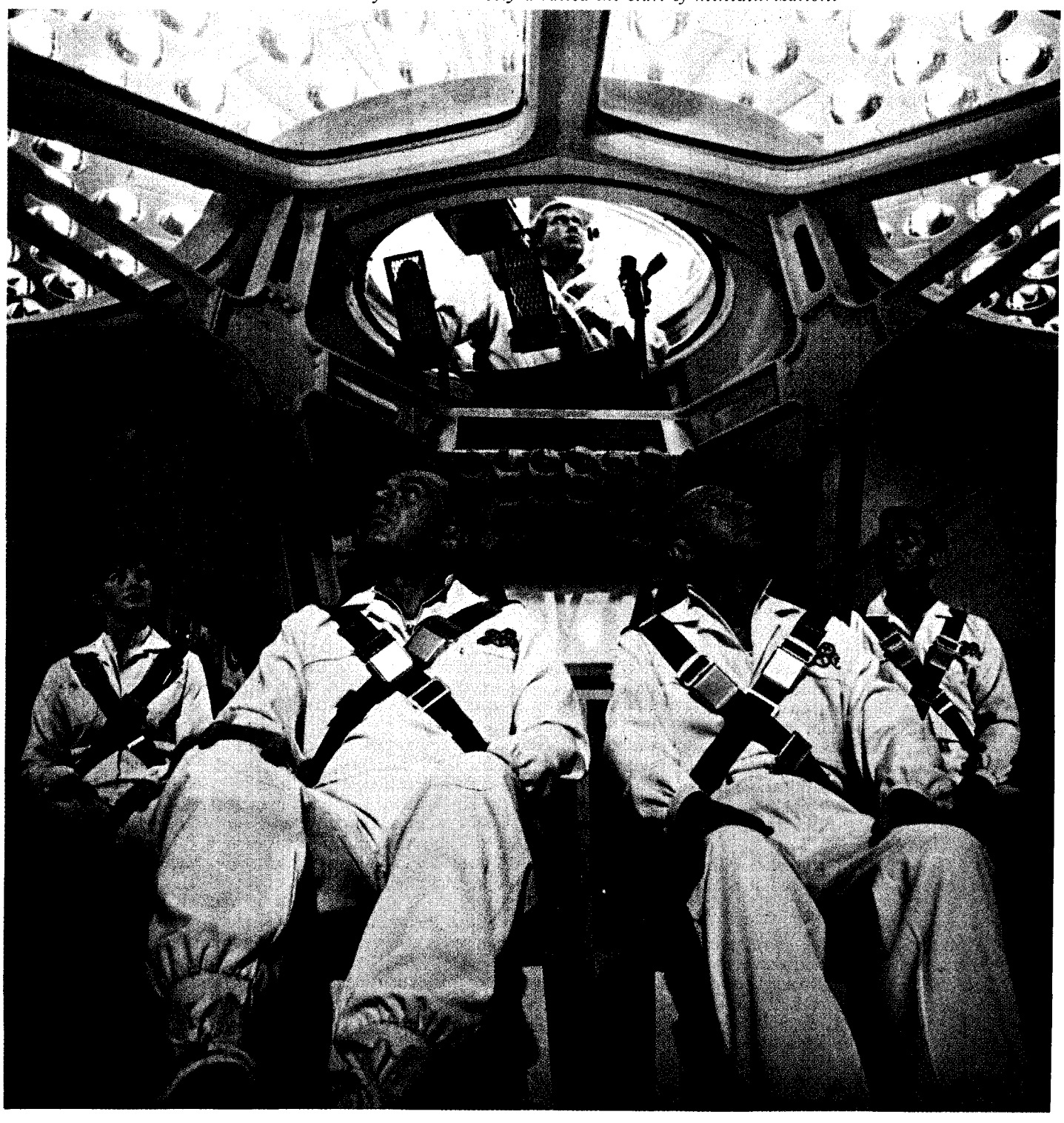
"I'm afraid so. You caused us a certain amount of effort, you know."

Benes put his hand on Grant's sleeve. "You risked your life. I appreciate that. You might have been killed."

"I run the chance of being killed as a matter of routine. Occupational hazard. Strap yourself in, Professor. This flying junkheap makes rough landings."

The plane touched down smoothly, despite Grant's prediction, and taxied to a stop on the apron. The Secret Service contingent closed in. Soldiers leaped out of troop-carrying trucks to form a cordon about the plane, leaving a corridor for the motorized stairway being steered toward the door of the plane. A convoy of three limousines rolled to the foot of the stairway. The

Strapped into their seats, the beautiful Cora Peterson and the four men tensely awaited the start of miniaturization.



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door to the plane opened and Grant appeared. He looked about, then waved.

Colonel Gonder said, "*He* seems in one piece, anyway. Where's Benes?"

As though in answer to that question, Grant stepped to one side and let Benes squeeze past. Benes stood there smiling for one moment. Carrying an old suitcase in his hand, he trotted down the steps. Grant followed.

Colonel Gonder was at the foot of the stairs. "Professor Benes. Glad to have you here! I'm Gonder; I'll be in charge of your safety from this point. This is William Owens. You know him, I think."

Benes' eyes lit up. He set his suitcase down and stretched out his arms. "Owens! Yes, of course. We got drunk one night together. I remember it well. A long, dull, boring session in the afternoon, where all that was interesting was precisely what one could *not* say, so that despair settled on me like a gray blanket. At supper, Owens and I met, we went to a little club afterward, with dancing and jazz, and we drank *schnapps*, and Owens was very friendly with one of the girls. You remember Jaroslavic, Owens?"

"The fellow who was with you?"

"Exactly. He loved *schnapps*, but he was not allowed to drink. He had to stay sober. Strict orders."

"To watch you?"

Benes nodded. "I kept offering him liquor. I said, 'Here, Milan, a dusty throat is bad for a man,' and he had to keep refusing, but with his heart in his eyes. It was wicked of me."

Owens smiled and nodded. "But let's get into the limousine and get down to headquarters. We'll have to show you around, and let everyone see you're here. Then you can sleep."

"But first"—Benes looked about anxiously—"where is Grant? Ah, *there* he is." He pushed toward the young agent. "Grant!" He held out his hand. "Good-bye. Thank you. Thank you very much."

"Glad to be of help. I mean that."

"I know. Good-bye! Good-bye!" Benes waved and stepped back toward the limousine.

Grant turned to the colonel. "Will I be breaking security if I knock off now, chief?"

"It's all right. Oh, and by the way, Grant . . ."

"Yes, sir?"

"Good work."

Grant walked off to look for a taxi, and the colonel turned to Owens. "Get in with Benes and talk to him. I'll be in the car ahead. And then when we get to headquarters, I want you to be ready with a firm identification, if you have one; or a firm denial."

"He remembered that drinking episode," said Owens.

"Exactly," said the colonel, discontentedly. "He remembered it a little too well. *Talk* to him."

The cavalcade picked its route carefully. The cars rumbled down empty streets through run-down neighborhoods of darkened warehouses. The motorcycles jounced on before, and the colonel in the first limousine tried once again to estimate how the Others would react to the successful coup.

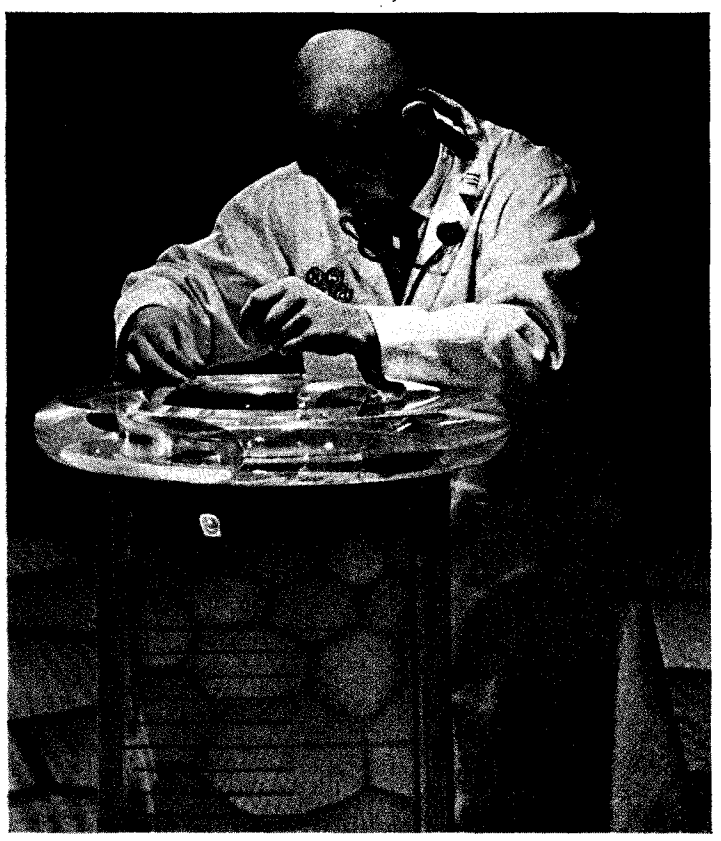
Sabotage at headquarters was always a possibility. The colonel couldn't imagine what precautions remained to be taken, but it was an axiom in his business that no precautions were ever sufficient.

A light?

For just a moment it had seemed to him that a light had flashed and dimmed in one of the hulks they were approaching. His hand flew to the car telephone to alert the motorcycle escort.

He spoke quickly and fiercely. From behind, a motorcycle raced forward.

Even as it did so, an automobile engine, ahead and to one side, roared into loud life, and the automobile itself came hurtling out of an alley. Its headlights were off, and in the shock of its sudden approach, nothing registered with anyone. No one, afterward, could recall a truly clear picture of events.



Contact! The submarine lowered farther and farther till it was submerged. "Ship in ampoule, sir," the technician cried out.

The car-projectile, aimed squarely at the middle limousine containing Benes, met the motorcycle coming forward. In the crash that followed, the motorcycle was demolished, its rider hurled to one side and left broken and dead. The car-projectile itself was deflected so that it struck the rear of the limousine.

The limousine, spinning out of control, smashed into a telephone pole and jolted to a stop. The *kamikaze* car, also out of control, hit a brick wall and burst into flames.

The colonel's limousine ground to a halt. The motorcycles screeched, veering and turning.

Gonder was out of his limousine, racing for the wrecked car, wrenching at the door.

Owens, shaken, a reddened scrape on one cheekbone, said, "What happened? Who hit us?"

"For God's sake, never mind that. What about Benes? Is he all right?"

"He's hurt."

"Is he alive?"

"Yes. Help me."

Together, they half lifted, half pulled Benes from the car. Benes' eyes were open but glazed, and he made only incoherent little sounds.

"How are you, Professor?"

Owens said in a quick, low voice, "His head cracked hard against the door handle. Concussion, probably. But he *is* Benes. That's certain."

The door to the first limousine was opened. As they lifted Benes in, a rifle shot cracked from somewhere above. Gonder threw himself into the car on top of Benes.

Policemen ran for the building from which the rifle shot had sounded. The car and half the motorcycle escort moved on. The dying light of the burning *kamikaze* car cast a hellish glow on the scene.

Gonder cradled Benes' head on his lap. The scientist was completely unconscious now, his breathing slow, his pulse feeble. Gonder stared earnestly at the man who might be dead before the vehicle came to its final halt. He muttered despairingly to himself, "We were almost there! Almost there!"

Grant was only dopily aware of the hammering at his door. He stumbled upright and emerged from his bedroom, walking unsteadily across the cold floor, and yawning prodigiously.

"What do you want?"

"From the colonel, sir," came from the other side of the door. "Open at once."

Against his will, Grant was jolted into wakefulness. The young man who entered said, "You'll have to come with me, sir, to headquarters."

"Damn it, why do they need me this time of day?"

"I can't say, sir. I'm following orders. I must ask you to come with me."

Grant frowned when the car stopped in a run-down neighborhood of warehouses.

"We're here. This is a secret government installation. It doesn't look it, but it is."

The young man got out, and so did the driver. "Please stay in the car, Mr. Grant."

The two walked away for a hundred feet, while Grant looked warily about. There was a sudden jerk of movement, and for a split second he was thrown off balance. Recovering, he began to fling the car door open, then hesitated in astonishment as smooth walls grew upward all about him. It took him a moment to realize that he was sinking along with the car, that the car had been sitting on the top of an elevator shaft. By the time he had drunk that in, it was too late to try to leave the car.

Overhead, a lid moved into place, and Grant was in complete darkness. There was nothing to do but wait, for an interminable three minutes, and then the elevator stopped. Two large doors opened, and a two-man scooter bearing one M.P. was waiting for him. On his helmet were the letters CMDF. On the scooter were the same letters.

Automatically, Grant put words to the initials. "Centralized Mountain Defense Forces," he muttered. "Coastal Marine Department Fisheries."

"If you'll get in, sir," said the M.P., with stiff propriety, indicating the empty seat.

"Sure. Quite a place you have here."

The scooter moved up a ramp to a higher level. Uniformed men and women moved about busily, and there was an air of agitation about the place.

The scooter made a sharp turn and stopped before a desk. The M.P. scrambled out. "Charles Grant, sir."

"I.D. card, please."

Grant handed it over. The officer glanced at the photograph and then at Grant. He handed the I.D. card back, waving them on.

The scooter turned right, passed through an archway and then down a long corridor, marked off for traffic. Traffic was heavy, and Grant was the only one not in uniform.

The scooter approached another archway over which was a sign reading: MEDICAL DIVISION.

An M.P. on duty hit a switch. Heavy steel doors opened, and the scooter slid through and came to a stop.

The man in the general's uniform, who was approaching hastily, looked familiar.

"General Carter, isn't it? We met on the Transcontinental jet a couple of years ago. You weren't in uniform then."

"Hello, Grant. Oh, damn the uniform. I wear it only for status in this place. It's the only way we can establish a chain of command. Come with me."

They passed through a door into what was obviously an operating room.

An operating table was being wheeled in, and a full shock of grizzled hair

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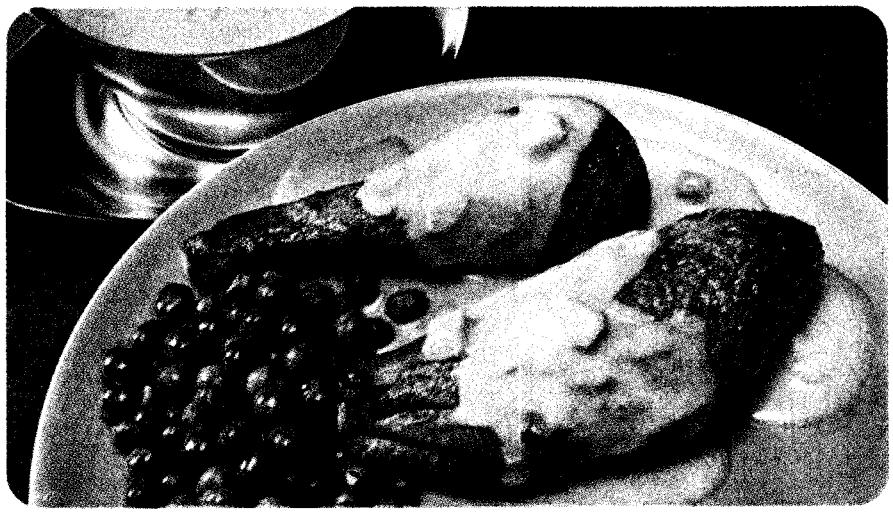
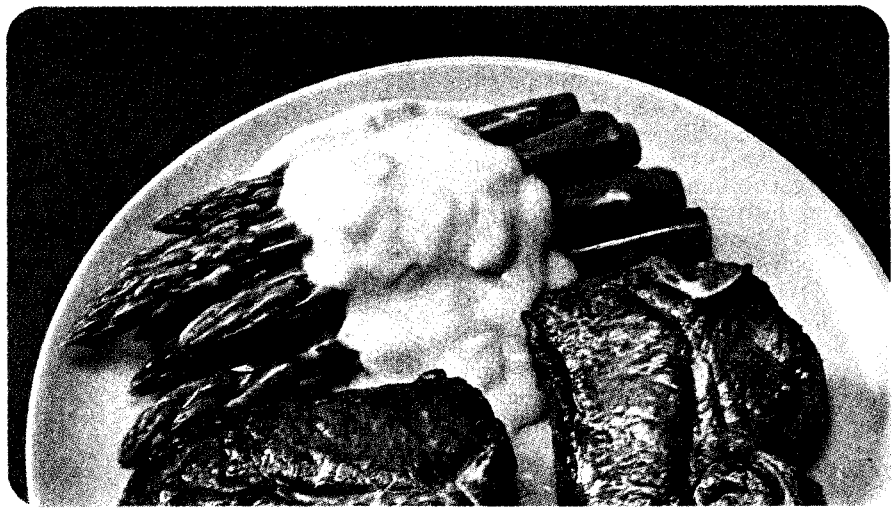
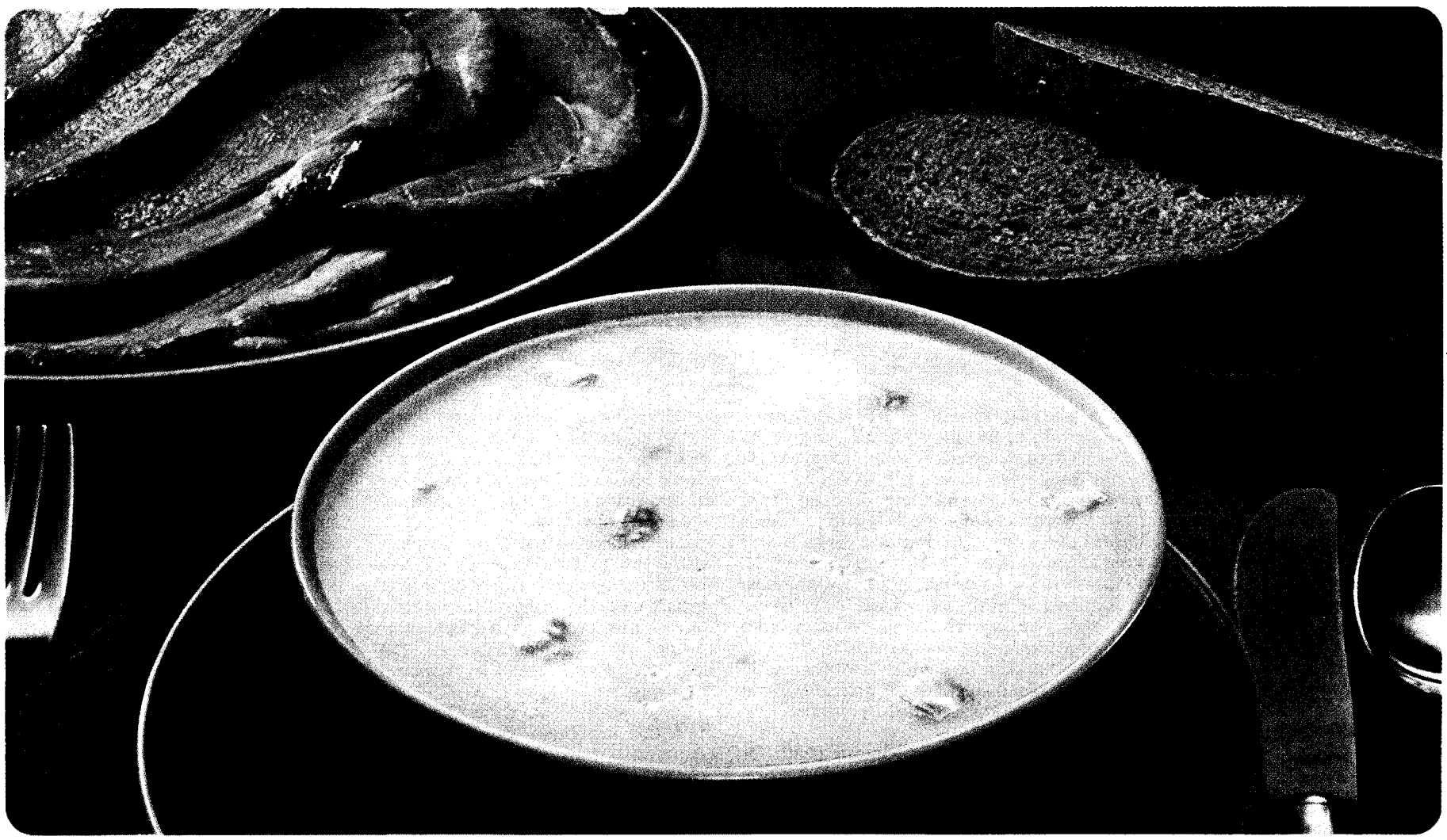


Makes a gravy *



Makes a sauce **

Makes a meal



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* *For lump-free gravy* in next to no time, just blend a can of Campbell's Cream of Chicken Soup with 2 or 3 tablespoons of meat drippings and ⅓ cup of water. Heat, stirring often. Delicious! And perfect every time.

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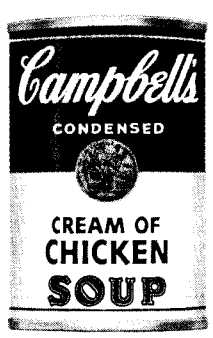

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They always eat better when you remember the soup.

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streamed out over the white pillow.

It was then that Grant had his worst stab of surprise. "Benes?" he whispered.

"Benes," said General Carter, bleakly. "They got to him after all. Our fault. We had the route bugged in every possible way, but only for electronified enemies. We didn't count on an automobile with a man at the controls or on rifles with men at the triggers."

"I suppose you got none of them."

"None. The man in the car died on the spot. The others were killed by our bullets. We lost a few ourselves."

Grant looked down again. There was the look of blankness on Benes' face that one associated with deep sedation.

"I assume he's alive, so there's hope."

"He's alive. But there isn't much hope."

Grant said, "Did anyone have a chance to talk to him?"

"A Captain Owens—William Owens. He spoke to Benes but got no crucial information. *You* spoke to him more than anyone. Did he tell you anything?"

"No, sir. My mission was only to get him into this country."

"Of course. But you talked to him, and he might have said more than he meant to."

"If he did, it went right over my head. But I don't think he did. Living on the Other Side, you get practice keeping your mouth shut. What's wrong with him now?"

"Brain injury. We have to operate—and that's why we need you. Come with me," said Carter.

Grant followed, through a door, down a short stretch of corridor and into another room.

"Central Monitoring," said Carter. The walls were covered with TV panels. The central chair was half surrounded by a semicircular console of switches, banked on a steep incline.

Carter said, "Let me give you the essence of the situation. You understand there's a stalemate between Them and Us. The stalemate isn't a bad thing, altogether. We compete; we run scared all the time; and we get a lot done that way. Both of us. But if the stalemate must break, it's got to break in favor of our side. Benes represents the possibility of such a break. If he could tell us what he knows ——"

"*What* does he know? What sort of thing?"

"The exact nature of the information is not crucial at the moment. Let me continue. . . . If he could tell us what he knows, then the stalemate breaks on our side. If he dies, or even if he recovers but without being able to give us our information because of brain damage, then the stalemate continues."

Grant said, "Aside from sorrow for the loss of a great mind, we can say that maintaining the stalemate isn't too bad."

"Yes, if the situation is just as I have described, but it may not be. Consider Benes. He is known as a moderate, but we had no indication that he was having trouble with his government. He had shown every sign of being loyal for a quarter of a century. Now he suddenly defects ——"

"Because he wants to break the stalemate on our side."

"Does he? Or could it be that he revealed enough of his work, before realizing its full significance, to give the Other Side the key to the advance? He may then have come to realize that, without quite meaning to, he had placed world dominion securely into the hands of his own side, and perhaps he wasn't confident of the virtues of his own side. So now he comes to us, not so much to give us the victory as to give *no one* the victory. He comes to us in order to maintain the stalemate."

"Is there any evidence for that, sir?"

"Not one bit," said Carter. "But you see it as a possibility, I presume."

"Go on."

"If the matter of life or death for Benes meant a choice between total victory for us or continued stalemate—well, we could manage. To lose our chance of total victory would be a damned shame, but we might get another chance tomorrow. However, what might be facing us is a choice between stalemate and total defeat, and there one of the alternatives is completely unbearable. You see, then, that if there is even a small possibility that Benes' death will involve us in total defeat, then that death must be prevented at any price, at any cost, at any risk."

"I take it you mean by that statement, General, that you're going to ask me to do something."

"Gonder considers you capable in general, but more than that, he considers your mission to remain incomplete. You were to get Benes to us safely, and that has not been done."

"He was safe when I was relieved by Gonder himself."

"Nevertheless, he is not safe now."

"All right. I'll hold the scalpels. I'll wipe the perspiration from the surgeon's forehead; I'll even wink at the nurses. I think that's all I'm good for in an operating room."

Carter manipulated a few switches with a sure touch. On one TV screen a pair of dark-glassed figures came into instant view. They were bent intently over a laser beam, its red light narrowing to threadlike thinness. The light flashed out, and they removed their glasses.

Carter said, "That's Peter Duval. He's the top brain surgeon in the country."

"Who's the girl?"

"She assists him. Her name is Cora Peterson. Owens will be with you, too. Also the civilian chief of the Medical Section, Max Michaels. He'll brief you."

Another quick manipulation, and this time the TV screen came on with that low buzz that signified sound-attachment two-way.

A bald head at close quarters dwarfed the intricate network of a circulatory system that filled the wall behind.

Carter said, "Max!"

Michaels looked up. His eyes narrowed. He looked rather washed out. "Yes, Alan."

"Grant is ready for you. Hurry it up. There isn't much time."

"There certainly isn't. I'll come get him." For a moment Michaels caught Grant's eye. He said, slowly, "I hope you are prepared, Mr. Grant, for the most unusual experience of your life—or of anyone's."

America, America

"What do they feed you on a $100-a-plate dinner?"

In Michaels' office, Grant found himself looking at the map of the circulatory system open-mouthed.

Michaels said, "It's an unholy mess, but it's a map of the territory. Every mark on it is a road; every junction is a crossroad. That map is as intricate as a road map of the United States. More so, for it's in three dimensions."

"Good Lord!"

"Sixty thousand miles of blood vessels. You see very little of it now; most of it is microscopic and won't be visible to you without considerable magnification, but put it all together in a single line and it would go more than twice around the earth."

"This map is of Benes' system to the last capillary, and I've had to learn all I could about it. Up here, almost centrally located in the cranium, right near the pituitary, is the blood clot."

"Is that the problem?"

"It certainly is. Everything else can be handled. The contusions, the shock, the concussion. The clot can't be, not without surgery. And quickly."

"How long has he got?"

"Can't say. It won't be fatal, we hope, for quite a while, but brain damage will come long before death does. And for this organization, brain damage will be as bad as death. The people here expect miracles from our Benes, and now they've been badly rattled. Carter, in particular, has had a bad blow and wants you."

Grant said, "You mean he expects the Other Side will try again."

"He doesn't say so, but I suspect that's what he fears and why he wants you on the team."

Grant said, "Is there any reason to think this place has been penetrated? Have They planted agents here?"

"Not to my knowledge, but Carter is a suspicious man. I think he suspects the possibility of medical assassination."

"Duval?"

Michaels shrugged. "He's an unpopular character, and the instrument he uses can cause death if it slips a hairbreadth."

"How can he be stopped?"

"He can't."

"Then use someone else; someone you can trust."

"No one else has the necessary skill. And, after all, there is no proof that he isn't completely loyal."

"But if I'm placed near Duval as a male nurse and if I am assigned the task of watching him closely, I will do no good. I won't know what he's doing. In fact, when he opens the skull, I'll probably pass out."

"He won't open the skull," said Michaels. "The clot can't be reached from outside. He's definite about that."

"But, then. . . ."

"We'll reach it from the inside."

Grant frowned. "You know, I don't know what the hell you're talking about."

Michaels said, quietly, "Mr. Grant, everyone else engaged in this project knows the score, and understands exactly what he or she is to do. You're the outsider, and it is rather a chore to have to educate you. Still, if I must, I must. I'm going to have to acquaint you with some of the theoretical work done in this institution. I assume you have observed our insignia, CMDF. Do you have any idea what it means?"

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"I've made a few guesses. How about Consolidated Martian Dimwits and Fools?"

"It happens to stand for Combined Miniature Deterrent Forces."

"That makes less sense than my suggestion," said Grant.

"I'll explain. Have you ever heard of the miniaturization controversy?"

Grant thought awhile. "I was in college then. We spent a couple of sessions on it in the physics course. If I remember it, a group of physicists claimed they could reduce the size of objects to any degree, and it was exposed as a fraud. Well, maybe not a fraud, but a mistake, anyway. I remember the class ran through several arguments showing why it was impossible to reduce a man to the size of, say, a mouse, and keep him a man."

"I'm sure this was done in every college in the country. Do you remember any of the objections?"

"I think so. If you're going to reduce size you can do it in one of two ways. You can push the individual atoms of an object closer together; or you can discard a certain proportion of the atoms altogether. To push the atoms together would take extraordinary pressures. The pressures at the center of Jupiter would not be powerful enough to compress a man to the size of a mouse. Am I right so far?"

"Completely."

"And even if you managed it, the pressure would kill anything alive. Aside from that, an object reduced in size by pushing atoms together would retain all its original mass, and an object the size of a mouse with the mass of a man would be difficult to handle."

"Good, Mr. Grant. And the other method?"

"The other method is to remove atoms in careful ratio so that the mass and size of an object decreases while the relationship of the parts remains constant. Only, if you reduce a man to the size of a mouse, you can keep only one atom out of maybe seventy thousand. If you do that to the brain, what is left is scarcely more complicated than the brain of a mouse in the first place. Besides, how do you re-expand the object? How do you get the atoms back and put them in their right places?"

"Quite so, Mr. Grant. But then how did some physicists come to think that miniaturization was practical?"

"I don't know, Doctor, but you don't hear of it anymore."

"Partly because the colleges did such a careful job—under orders—of knocking it on the head. The technique went underground both here and on the Other Side. Literally. Here. Underground. And we must maintain special courses in miniaturization techniques for graduate physicists who can learn it nowhere else—except in similar schools on the Other Side. Miniaturization is quite possible, but by neither method you have described. Have you ever seen a photograph enlarged, Mr. Grant? Or reduced to microfilm size?"

"Of course."

"Without theory, then, I tell you that the same process can be used on three-dimensional images manipulated from outside the universe of spacetime."

Grant smiled. "Now, teacher, those are just words."

"Yes, but you don't want theory, do you? What physicists discovered ten years ago was the utilization of hyper-space; a space, that is, of more than the three ordinary spatial dimensions. The concept is beyond grasp; but the funny part is that it can be done. Objects can be miniaturized. We neither get rid of atoms nor push them together. We reduce the size of the atoms, too; we reduce everything; and the mass decreases automatically. When we wish, we restore the size."

"You sound serious," said Grant. "Are you telling me that we can really reduce man to the size of a mouse?"

"In principle, we can reduce a man to the size of a bacterium, of a virus, of an atom. There is no theoretical limit to the degree of miniaturization. We can shrink an army with all its men and equipment to a size that will fit in a matchbox. Ideally, we could then ship that matchbox where it is needed and put the army into business after restoring it to full size. You see the significance?"

Grant said, "And the Other Side can do it too, I take it."

"We're certain they can. But come, Grant. Matters are progressing at full speed, and our time is limited. Come with me."

It was "come with me" here and "come with me" there. Since Grant had awakened that morning, he had not been allowed to remain in one place for longer than fifteen minutes.

He and Michaels were in the scooter now, Michaels handling it just like a veteran.

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"We've worked for ten years to extend the size ratio; to reach greater intensities of miniaturization, and of expansion too—just a matter of reversing the hyper-field," said Michaels. "Unfortunately, we've reached our theoretical limits in this direction."

"What are they?"

"Not very favorable. The Uncertainty Principle intervenes. Extent of miniaturization multiplied by the duration of miniaturization—using the proper units, of course—is equal to an expression containing Planck's constant. If a man is reduced to half-size, he can be kept so for centuries. If he is reduced to mouse-size, that can be kept up for days. If he is reduced to bacterium-size, that can be kept up only for hours. After that he expands again."

"But then he can be miniaturized again."

"Only after a sizable period."

They had arrived at the foot of an escalator. Michaels got out of the scooter with a weary grunt. Grant vaulted the side. He leaned against the railing as the staircase moved upward. "And what has Benes got?"

"They tell me he claims he can beat the Uncertainty Principle. Supposedly, he knows how to maintain miniaturization indefinitely."

"You sound as though you don't believe that."

Michaels shrugged. "I'm skeptical. If he extends both miniaturization intensity and miniaturization duration, he can do so only at the expense of something else, but for the life of me I can't imagine what that something else might be. In any case, he says he can do it, and we cannot take the chance of not believing him. Neither can the Other Side, so they've tried to kill him."

They had come to the top of the escalator. Now they took a second escalator up another floor.

"Now, Grant, you can understand what we must do—save Benes. Why we must do it—for the information he has. And how we must do it—by miniaturization."

"Why by miniaturization?"

"Because the brain clot cannot be reached from outside. I told you that. So we will miniaturize a submarine, inject it into an artery, and with Captain Owens at the controls and with myself as pilot, journey to the clot. There, Duval and his assistant, Miss Peterson, will operate."

Grant's eyes opened wide. "And I?"

"You will be along as a member of the crew. General supervision."

Grant said, violently, "Not me. I'm not volunteering for any such thing."

"My dear Grant. You have not been asked to volunteer. You have been assigned to this duty."

Near the top of the escalator was a door marked CONFERENCE ROOM. They entered.

Grant grew aware of the contents of the room in stages. What he saw first was that on one end of the long table that filled the center of the room was a multi-cup coffee dispenser. He moved toward it at once, and only after he had downed half a cup of hot, black coffee did item two enter his awareness.

This was Duval's assistant—Miss Peterson, wasn't that her name?—looking down in the mouth but very beautiful and standing terribly close to Duval. Grant had the feeling that he was going to find it difficult to like the surgeon.

A colonel sat at one end of the table, looking annoyed. He said emphatically to Duval, "I've made my attitude quite clear."

Grant recognized Captain Owens standing under a portrait of the President. The eagerness he had seen at the airport was gone, and there was a bruise on one of Owens' cheekbones. He looked nervous and upset.

"Who's the colonel?" Grant asked Michaels in a low voice.

"Donald Reid, my opposite number on the military side of the fence."

"I take it he's annoyed with Duval."

"Constantly. He's got a lot of company. Not many people like Duval."

Reid was talking in a low voice, carefully controlled. "And aside from that, Doctor, what is *she* doing here?"

"Miss Cora Peterson," said Duval, icily, "is my assistant. Where I go professionally, she accompanies me professionally."

"This is a dangerous mission ——"

"And Miss Peterson has volunteered, understanding full well its dangers."

Michaels' voice cut across the argument as Reid was rising furiously to his feet. "I would suggest, Don, that since the key step of the entire operation rests upon Doctor Duval's hand and eye, and since, in fact, we cannot now dictate to him, we humor him in

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this respect—without prejudice to necessary action afterward, eh? I am willing to take responsibility for that."

He was offering Reid a face-saving way out, Grant realized, and Reid, fuming darkly, would have to take it.

Michaels said, "Doctor Duval, this is Charles Grant, a young man who will be accompanying us."

"As muscle man, Doctor," said Grant. "My only qualification."

Duval's acknowledgment was a minimal nod thrown in Grant's direction.

"And Miss Peterson," Michaels said.

Grant smiled flashily. She smiled not at all and said, "How do you do?"

General Carter came in at this point, walking rapidly. He sat down and said, "To business. Do any of you have any urgent points to make?"

Grant said suddenly, "I haven't volunteered, General. I decline the post and suggest you find a substitute."

"You're not a volunteer, Grant, and your offer to decline is declined. Gentlemen—and Miss Peterson—Mr. Grant has been chosen to accompany the expedition for a variety of reasons. For one thing, it was he who brought Benes to this country, managing that assignment with complete skill. He is a communications expert and an experienced frogman. He has a record of resourcefulness and flexibility and is professionally capable of making instant decisions. For that reason I will place the power of making policy decisions in his hands once the voyage begins."

Grant, staring in annoyance at his fingertips, said, "Apparently it is up to the rest of you to do your jobs while I take care of emergencies. I am sorry, but I wish to state for the record that I do not consider myself qualified for this post."

"The statement is recorded," said Carter, unembarrassed, "and we will go on. Captain Owens has designed an experimental submarine for oceanographic research. It is not ideally suited for the task at hand, but there is no other vessel in existence that is *better* suited. Owens himself will, of course, be at the controls of his ship, the *Proteus*.

"Doctor Michaels will be the pilot. He has prepared the map of Benes' circulatory system, which we will shortly consider. Doctor Duval and his assistant will be in charge of the actual operation, the removal of the clot.

"You all know the importance of this mission. We hope for a successful operation and for your safe return. There is the chance that Benes may die during the operation, but that becomes a certainty if the mission is not undertaken. There is a chance that the ship may be lost, but under the circumstances, I am afraid that ship and crew are expendable. The possible price is large but the gain we seek—I don't mean the CMDF only, but all mankind—is greater. Show them the chart, Michaels."

Michaels pressed a button on the instrument panel before him, and the wall lit up with the tridimensional map of Benes' circulatory system that Grant had last seen in Michael's office. It seemed to rush toward them and enlarge as Michaels turned the knob, until the circulatory network of only the head and neck was visible.

The blood vessels stood out with an almost fluorescent brilliance, and then grid lines appeared across the map. A thin, dark arrow darted into the field, manipulated by the photo-pointer in Michaels' hand.

"The clot," he said, "is there." It had not been visible to Grant's eyes, at least until it had been pointed out, but now that the black arrow delicately marked out its limits, Grant could see it—a small, solid nodule plugging an arteriole.

"It represents no immediate danger to life, but this section of the brain"—the arrow danced about—"is suffering from nerve-compression and may already have experienced damage. Doctor Duval tells me that the effects may be irreversible in twelve hours or less. An attempt to operate in the ordinary manner will involve cutting through the skull either here, here or here. In each of these cases, unavoidable damage will be extensive and the results doubtful.

"On the other hand, we could attempt to reach the clot via the bloodstream. If we can enter the carotid artery here in the neck, we will be on a direct route to our destination."

Owens spoke up suddenly. "How far will we be reduced?"

"We'll have to be small enough to avoid activating the body's defenses. The overall length of the ship will be three microns."

"How much is that in inches?" interjected Grant.

"Just over a ten-thousandth of an inch. The ship will be about the size of a bacterium."

"Well, then," said Owens, "if we enter an artery, we will be exposed to the full force of the arterial current."

"Not quite a mile an hour," said Carter.

"Never mind the miles per hour. We will be moving about one hundred thousand times the length of our ship each second. That will be equivalent, under ordinary circumstances, to moving hundreds of miles a second. On our miniaturized scale, we'll be moving a dozen times as fast as any astronaut ever moved."

"Undoubtedly," said Carter, "but what of it? Every red blood corpuscle in the bloodstream moves as quickly, and the ship is much more sturdily built than the corpuscle."

"No, it is *not*," said Owens, passionately. "A red blood corpuscle contains billions of atoms, but the *Proteus* will crowd billions of billions of billions of atoms into the same space; miniaturized atoms, to be sure, but what of that? We will be made up of an immensely larger number of units than the red blood corpuscle and we'll be flabbier for that reason. Furthermore, the red blood corpuscle is in an environment of atoms equal in size to its own; we will be in an environment made up of what will be to us monstrous atoms."

General Carter said, "What about that, Max?"

Michaels harumphed. "I do not pretend to be as expert on the problems of miniaturization as Captain Owens. I suspect that he is thinking of the report by James and Schwartz that fragility increases with miniaturization."

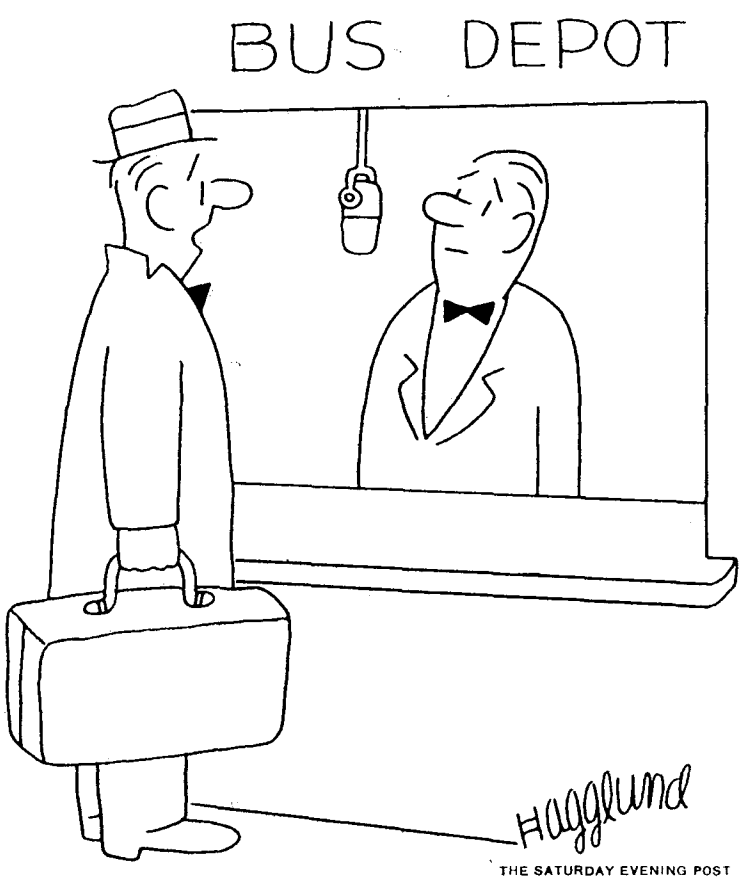
"Exactly," said Owens.

"The increase is a slow one, if you remember, and James and Schwartz had to make some simplifying assumptions in the course of their analysis which may prove to be not entirely valid. After all, when we enlarge objects, they do not become *less* fragile."

"Oh, come on, we've never enlarged any object more than a hundredfold," said Owens, contemptuously, "and here we are talking about miniaturizing a ship about a million times in linear dimensions. No one's ever gone that far. The fact is that there isn't anyone in the world who can predict just how fragile we will become, or how well we can stand up to the pounding of the bloodstream, or even how we might respond to the action of a white blood corpuscle. Isn't that so, Michaels?"

Michaels said, "Well—yes."

Carter said, with what seemed rising impatience. "If the ship does not survive, it doesn't. We are taking all the precautions we can. Benes will be in



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deep hypothermia. By freezing him we will cut down the oxygen requirements of the brain. That will mean the heartbeat will be drastically slowed and the velocity of the blood flow as well."

Owens said, "Even so, I doubt that we could survive the turbulence."

Michaels said, "Captain, if you stay away from the artery walls, you will be in the region of laminar flow—no turbulence to speak of. We will be in the artery only for a few minutes and, once in the smaller vessels, we will have no problem. The only place where we would not be able to avoid a killing turbulence would be in the heart itself, and we would go nowhere near the heart. . . . When we reach the clot, we will destroy it with a laser beam. The laser and its beam, having been miniaturized in proportion, will not, if properly used, do any damage to the brain or even the blood vessel itself. Nor will it be necessary to demolish every vestige of the clot. It will be enough to break it up into fragments. The white blood cells will then take care of it.

"We will leave the vicinity at once, of course, returning by way of the venous system, until we reach the base of the neck, where we will be removed from the jugular vein."

Grant said, "How will anyone know where we are and when?"

Carter said, "Michaels will be piloting you and see to it that you are in the right place at all times. You will be in communication with us by radio ——"

"You don't know if that will work," put in Owens. "There's a problem in adapting the radio waves across the miniaturization gap, and no one has ever tried this big a gap."

"True, but we will try. In addition, the *Proteus* is nuclear-powered, and we will be able to trace its radioactivity, also across the gap. . . . You will have just sixty minutes, gentlemen. Your size will have been adjusted to that. You will have ample time. If you stay for a longer interval, you will start enlarging automatically. We can keep you down no longer. If we had Benes' knowledge, we could keep you down indefinitely, but if we had his knowledge . . ."

"This trip would be unnecessary," said Grant, sardonically.

"Exactly. And if you begin enlarging within Benes' body, you will become large enough to attract the attention of the body defenses, and shortly thereafter, you will kill Benes. You will see to it that this does not happen."

Carter then looked about. "You will begin preparations. We'd like to make entry into Benes as quickly as possible."

Activity in the hospital room had reached a peak. Everyone was moving at a rapid walk, almost a half-run. Only the figure on the operating table was still. A heavy thermal blanket lay over it, the numerous coils snaking through it. And under it was the naked body, chilled to the point where life within it was a sluggish whisper.

Benes' head was now shaven and marked off like a nautical chart in numbered lines of latitude and longitude. On his sleeping face was a look of sadness, frozen deeply in.

On the wall behind him was another reproduction of the circulatory system, enlarged to the point where the chest, neck and head were sufficient in themselves to cover the wall from end to end and floor to ceiling. It had become a forest in which the large vessels were as thick as a man's arm while the fine capillaries fuzzed all the spaces between.

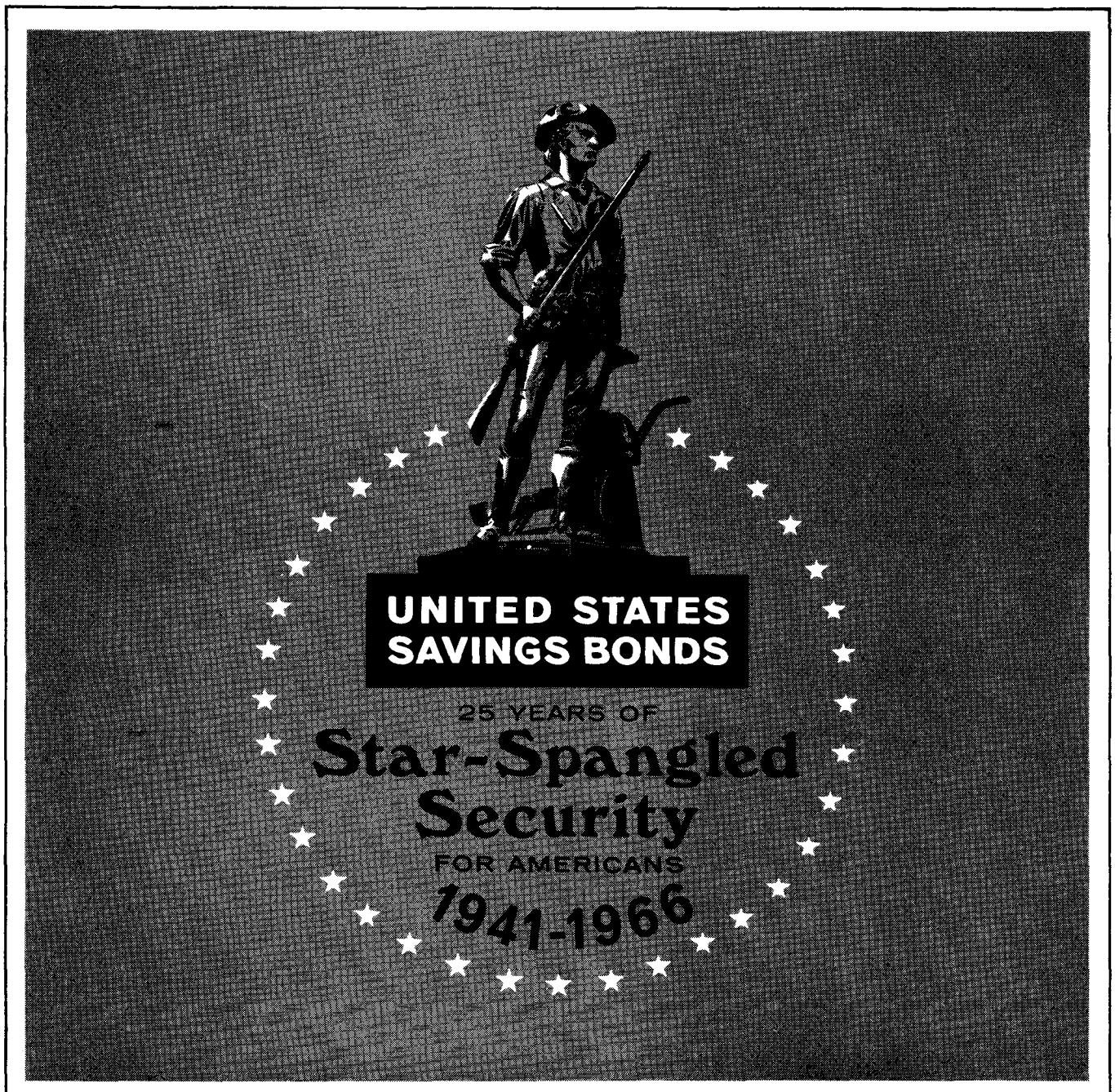
In the control tower, brooding over the operating room, Carter and Reid watched. They could see the desk-level banks of monitors, at each of which a technician sat, each in his white CMDF uniform.

The CMDF uniform they had found for Grant wasn't bad, either: one-piece, belted, and an odd cross between the scientific and the dashing.

After parading through a sterilization chamber, Grant and the other members of the crew entered a large round room, glassed in on all sides. It was floored completely in hexagonal tiles some three feet across, roughened into close-packed, semicircular bubbles. At the center of the room was a single tile like the rest, except that it was a deep red.

Filling much of the room was a white vessel some fifty feet in length, shaped like a horseshoe, with an upper bubble the front of which was glassed in and which was topped by a smaller bubble, entirely transparent. It was on a hydraulic lift and was being maneuvered into the center of the room.

Michaels had moved up next to Grant. "The *Proteus*," he said. "Our home away from home for the next hour or so. This is our miniaturization room. It's been used for the miniaturization of artillery pieces and small atomic bombs.



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It can also serve to hold deminiaturized insects—you know, ants blown up to the size of locomotives for easy study. They're putting the *Proteus* over Zero Module; that's the red one."

The *Proteus* had been adjusted on its cradle now, and the hydraulic lifts that had maneuvered it into place were drawn off. A ladder on one side led to the entrance. The ship gleamed in sterile whiteness from the featureless bluntness of its prow to the double jet and upright fin at the rear.

Owens said, "I'll get in first. When I signal, the rest of you come in." He moved up the ladder.

Owens could be seen plainly now, in the bubble-top. He seemed intent on objects immediately before him. Then he waved the come-in gesture. Michaels responded and moved up the ladder. Duval followed him. Grant motioned Cora to enter ahead of himself.

All were in their seats when Grant ducked through the small one-man chamber that made up the hatch. Above, in the lone upper seat, was Owens at the controls. Below were four more seats. Three were already occupied by the others, so Grant took the empty chair.

It was still dark inside. Michaels said, "We will put you to work, Grant. Ordinarily we would have had a communications man in your place. Since you have communications experience, you will handle the wireless. No problem, I hope. I don't believe there is anything unusual about it."

"I don't expect any problems."

The lights went on. At once, Duval pulled out several drawers at his side of the ship, and began to look over the charts. Cora inspected the laser carefully.

Grant said, "May I come up there, Owens?"

"You can stick your head up here if you want to," replied Owens. "There isn't room for anything more."

Grant rose and stepped back, grinning at Cora, who stepped out of his way coolly. He then moved quickly up the ladder, looked about, and said, "How will you know where to go?"

Owens said, "I've got Michaels' charts here." He flipped a switch, and on one of the screens immediately before him was a replica of Benes' circulatory system, the one Grant had already seen several times before.

Owens touched another switch, and parts of the chart glowed an iridescent yellow-orange.

"Our projected route," he said. "Michaels will be directing me when necessary, and since we are nuclear-fueled, Carter and the rest will be able to follow us with precision. They will help direct us, if you take care of your end with the wireless."

Grant swung down again, and again Cora made way for him. She was deep in concentration over her laser, working with what were virtually watchmaker's tools.

"That looks complicated," said Grant.

Cora said briefly, "A ruby laser, if you know what that is."

"I know it puts out a tight beam of coherent monochromatic light, but I haven't any idea how it works."

Without warning, Cora placed her hand on his, and Grant found himself starting slightly at the touch of her warm fingers.

She said, "Excuse me!" and moved his hand to one side, then released it. Almost at once she depressed a contact on the laser, and a hair-thin streak of red light shot out, striking the metal disc over which his hand had just been resting. A tiny hole appeared at once, and there was the thin odor of metal vapor. If Grant's hand had remained in place, the thin hole would have been in his thumb.

"From now on, when I'm near you I'll be careful where I put my hand," said Grant.

Cora looked back as though she were startled and rather uncertain. Then, for a moment, she smiled.

The voice of Owens came from above. "Grant! Check the wireless!"

"Right," called Grant.

He slipped back into his seat and looked at the wireless for the first time. "This seems to be a Morse code device."

Michaels looked up. "Yes, it's technically difficult to transmit voice across the miniaturization gap. I assume you can handle code."

"Of course." Grant beat out a rapid message.

After a pause, the public-address system in the miniaturization room boomed out with a sound level easily heard within the *Proteus*:

"Message received. Wish to confirm. Message reads: 'Miss Peterson smiled.'"

Grant bent over the wireless and tapped out: CORRECT!

The return this time was in code. Grant listened, then called out, "Mes-

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When you receive our illustrated booklet, you will see the way we show you **step by step** how to quickly get customers . . . how to steadily build more customers from their recommendations.

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Does this appeal to you? Don't decide now. Mail the coupon so you'll have the facts to decide wisely. There is no obligation whatsoever. You will then know whether this is what you want.

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We furnish electric equipment and enough materials to **return your TOTAL investment.** If you have good habits and know the importance of customer satisfaction, you can likely qualify for a Duraclean dealership.

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Your Services Are Endorsed by McCall's Magazine, American Research & Testing Laboratories and by leading Carpet Mills & Furniture Makers

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Gerald Weihrauch: Three persons called me . . . saw Duraclean advertised in magazines.

Edward Hoy: A smoke damage insurance claim bill was $186. All work was done by me in exactly 8 hours and 2 minutes.

John Hoak: I've never worked at anything I enjoyed more than Duraclean.

W. C. Smith: Earned $650 one week. Volume keeps getting bigger.

Service man for dealer **C. Weed:** Furniture was filthy black. When through, I was amazed how clean.

John E. Frost: First 2 months I grossed $1,000 part-time.

Loren Farris: I'm proud to be independent at 30. I wish I had known about Duraclean earlier.

Earl Davis: Our sales increased $17,660 this year.

Ed. Kramsky: In 2 years, I now have two assistants, a nice home and real security for my family.

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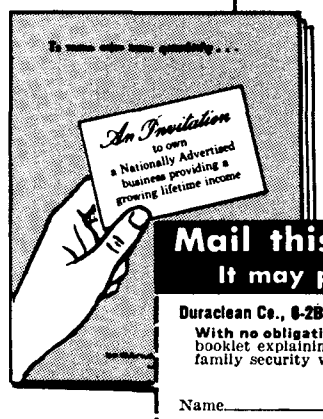

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sage received from outside: 'Prepare for miniaturization.'"

Grant, not knowing how to prepare, sat where he was. Michaels rose with an almost convulsive suddenness, making a last-minute check of all facilities.

Owens called, "Doctor Michaels, we're waiting."

Michaels seemed, for the moment, abstracted and uncertain. Then, looking quickly from one strapped-in crew member to another, said, "Oh, yes," sat down, and adjusted his own harness.

Owens swung down from his bubble, checked each harness quickly, mounted again, and put on his own. "OK, Mr. Grant. Tell them we're ready."

Grant did so, and the loudspeaker sounded almost at once: "Attention, *Proteus*. This is the last voice message you will receive until mission is completed. You have sixty minutes objective time. Once miniaturization is complete, the ship's time recorder will give the sixty reading. You are at all times to be aware of that reading, which will be reduced one unit at a time, each minute. Do not—repeat, do not—trust your subjective feelings as to time passage. You must be out of Benes' body before the reading reaches zero. If you are not, you will kill Benes regardless of the success of the surgery. Good luck!"

General Carter quivered at the sudden, sharp tapping of the wireless message over an open circuit. The aide at the receiving end spoke quietly: "*Proteus* reports all secured."

Carter called out, "Miniaturizer!"

The proper switch, labeled MIN, at the proper panel was touched by the proper finger of the proper technician. To those inside the *Proteus*, the huge disc was clearly visible, approaching like a pockmarked monster.

"That," Michaels said, "is the miniaturizer. Don't ask me how it works. Owens knows, but I don't."

"What do you feel when you are being miniaturized?" Grant asked.

"Nothing, I suppose. It is a form of motion, a collapsing inward, and if it is done at a constant rate, there is no more sensation than in moving down an escalator at constant speed. I have never experienced it. However, animals in the process of miniaturization never act a bit disturbed."

"Animals?" Grant turned to stare at Michaels in sudden indignation. "*Animals?* Has any man ever been miniaturized?"

"I'm afraid," said Michaels, "that we have the honor of being the first. We are being miniaturized now; right now; and obviously you don't feel it."

"Good God!" Grant muttered.

The bottom of the miniaturizer was glowing with a colorless light that blazed without blinding. It did not seem to be sensed with the eyes, but with the nerves generally, so that when Grant closed his eyes, all actual objects blanked out, but the light was still visible as a general, featureless radiance.

Michaels must have been watching Grant close his eyes uselessly, for he said, "It's not light. It's not electromagnetic radiation of any sort. It's a form of energy that is not part of our normal universe. It affects the nerve-endings, and our brain interprets it as light because it knows of no other way of interpreting it."

The hexagonal tiles beneath the vessel were glowing in response to the radiation, and the *Proteus* was itself ablaze both within and without. The chair in which Grant sat might have been made of fire, but it remained solid and cool.

Owens cried out, "Look at the walls!"

They were drifting away in all directions now, and the ceiling was moving upward. All ends of the large room were shrouded in thick, increasing gloom, all the thicker for being seen through shining air. The miniaturizer was now an enormous thing, its limits and boundaries not quite visible.

Without warning, the light dimmed to a dull red, and the wireless signal sounded in staccato bursts with a sharp, echoing ring. Grant started.

Michaels said, "Belinski at Rockefeller said subjective sensations must change with miniaturization. He was largely ignored, but that signal certainly sounds different."

Grant translated and read out the message that had come in: "'Miniaturization temporarily halted. Is all well? Reply at once.'"

"Is everyone all right?" Grant called out sardonically. There was no answer, and he said, "Silence gives consent," and tapped out: ALL WELL.

General Carter watched with painful concentration as the miniaturizer took on its glow. The responsibility was his. All responsibility in this continuing nightmare was his.

"There she goes!" came an almost exultant whisper from the technician at the miniaturization button.

Carter watched the *Proteus* shrink. It did so slowly at first, so that one could only tell it was happening by the change in the way it overlapped the hexagonal floor structures. Those that were partially revealed beyond the edge of the ship's structure crept outward, and eventually tiles that had earlier been completely hidden began to show. The ship was a white beetle now, resting upon the central red hexagon in the world of white ones—the Zero Module.

The communications technician said, "Answer returned and reads, 'All well.'"

Carter thought: If they're unable to operate, they might be unable to realize they're unable.

But there would be no way to check that. One had to pretend that all was well. Carter said, "Elevate the ship."

Slowly, the Zero Module began to lift from the floor bearing the inch-wide *Proteus*. When the top was four feet off the floor, it stopped.

"Ready for Phase Two, sir," came the voice of one of the technicians.

"Phase Two," said Carter.

A panel slid open, and a handling device, a gigantic "waldo," moved in on silent air-jets. It was fourteen feet high and consisted of pulleys on a tripod; pulleys which controlled a vertical arm, dangling down from a horizontal extensor. The arm itself was in three stages, each shorter and on a smaller scale than the one above. The base of the device carried the inscription: MIN PRECISION HANDLING.

Three technicians had entered with the handling device, and behind them a uniformed nurse waited impatiently.

Two of the technicians adjusted the arm of the waldo directly over the shrunken *Proteus*. For the fine adjustment, three hair-thin beams of light reached from the arm support to the surface of the Zero Module. The distance of each beam from the center of the module was translated into light intensity upon a small

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"Right where he pinched *me*."

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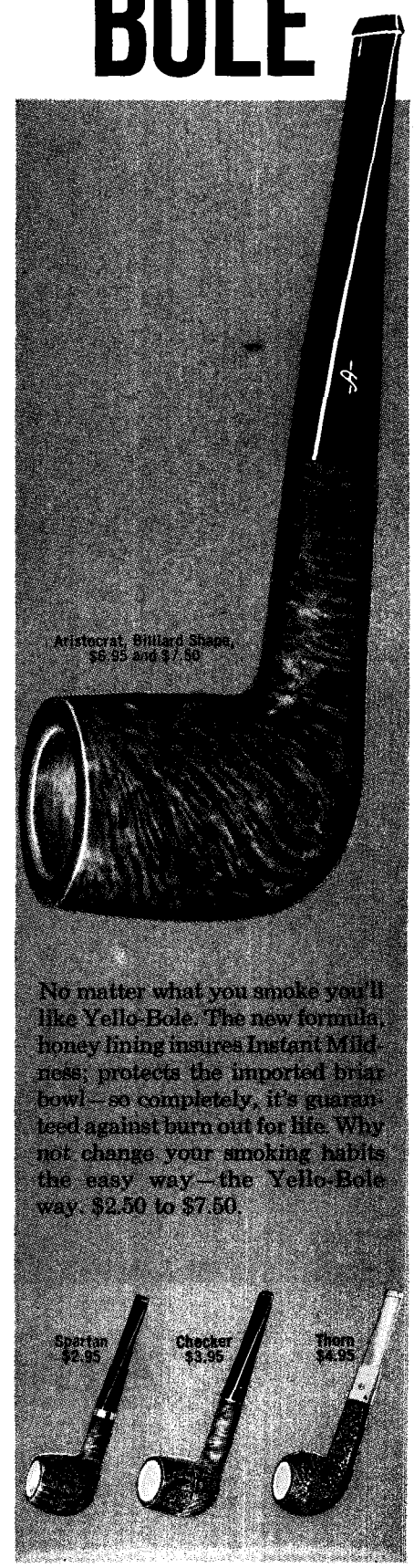
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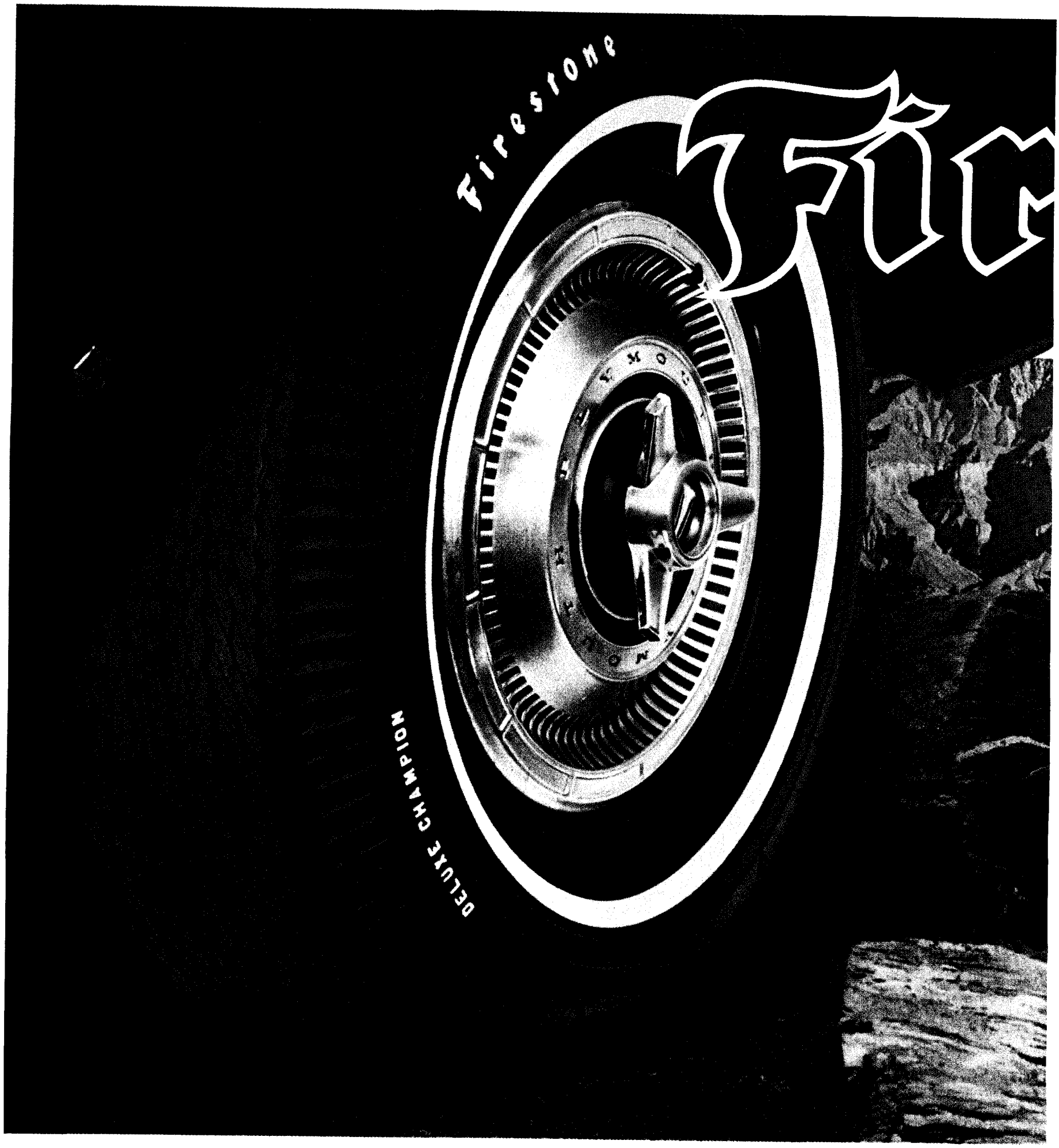

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circular screen divided into three segments, meeting in its center.

Another control was manipulated by the third technician and the arm sank toward the *Proteus*. Slowly and gently it came down. The technician held his breath. The prongs below opened and slowly slipped down over the *Proteus*. Slowly they closed, bit by bit, until they met underneath the ship and formed a cradle. The Zero Module then dropped and left the *Proteus* suspended in the cradle claws.

The Zero Module did not stop at floor level, but sank below. Underneath the suspended ship was only a hole.

Then sheer glass walls began to rise upward from within the gap left by the Zero Module. When those walls, clear and cylindrical, had emerged a foot and a half, the meniscus of a clear liquid showed. When the Zero Module had emerged to floor level again, what was resting upon it was a cylinder, one foot wide and four feet tall, two thirds filled with fluid. The cylinder rested on a circling cork base on which the lettering read: SALINE SOLUTION.

The arm of the waldo was now suspended over the solution. The ship was held within the upper portion of the cylinder, a foot above the solution level.

The arm was dropping now, slowly and more slowly. It stopped when the *Proteus* was almost at solution level, and then began moving with a velocity scaled down by a factor of ten thousand. The gears under the technician's immediate control moved rapidly while the ship lowered at a rate invisible to the eye until it was half submerged.

"Ship in ampoule, sir!" the technician cried.

The transfer from Module to ampoule had been dainty enough from the standpoint of the normal world, but had been quite different within the *Proteus*.

After the initial moment of nausea at the sudden lurch upward as the Zero Module began to rise, Grant asked, "What now? More miniaturization? Anyone know?"

Owens said, "We'll have to submerge before the next stage."

"Submerge where?" Grant said, but he got no answer to that. He looked out again into the dim universe of the miniaturization room and caught his first glimpse of the giants.

THE SATURDAY EVENING POST

"When you told me you wore a wig, I naturally assumed. . . ."

They were men, moving toward them—towers of men in the dim outer light, men foreshortened downward, foreshortened upward, as though viewed in giant distorting mirrors. A belt buckle was a square of metal, a foot either way. A shoe, far below, might have been a railroad car. They moved with odd slowness.

"Time-sense," muttered Michaels. He was squinting upward and then looking at his watch.

"What?" asked Grant.

"Another one of Belinski's suggestions; that the time-sense alters with miniaturization. Ordinary time seems to lengthen and stretch so that right now, five minutes seem to last, I should judge, ten minutes. The effect grows more intense with extent of miniaturization. We have an hour, but it may seem like several hours to us."

"Do you mean we will move more quickly?"

"To ourselves we will move normally; but to an observer in the outer world, I suspect we will seem to be moving quickly—to be squeezing more activity into a given time. Which would, of course, be good, considering the limited time we have."

Motion caught Grant's eyes, and he looked up. Something was descending; a giant pair of prongs moved down on either side of the ship to below eye-level and were coming together like a gigantic crushing jaw. They halted, moved again, and made contact.

The *Proteus* jogged and jarred, and all aboard were thrown violently from side to side. A harsh, reverberating clang filled the ship.

Grant looked at the cradle holding

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the ship. What it seemed to a normal man, he did not stop to consider. To him, it was a structure of curved steel pillars ten feet in diameter, meshed neatly into a continuous cradle of metal. For the moment, he felt safe.

The *Proteus* was suspended over a lake, and its surface did not appear to be more than fifty feet below them. Grant had no trouble guessing what came next. He was prepared, therefore, when his seat seemed to drop from under him.

They hit.

The claws of the cradle unhooked, and the ship jounced madly and came to a floating stop, slowly turning.

Grant let out a long breath. The wireless sounded and Grant sent back the ALL WELL signal again.

Owens said, "We'll have to submerge manually. Grant, slip out of your harness and open valves one and two."

Grant rose unsteadily to his feet and moved to a butterfly valve marked ONE on the bulkhead.

"I'll take the other," said Duval.

With the valves open, the surrounding fluid flowed into the appropriate chambers of the ship, and the liquid rose all about again, higher and higher. They were completely submerged now, and there was a blessed motionlessness.

So far, it had gone well. The ALL WELL had sounded from within the ship, which was now a small capsule glimmering inside the saline solution.

"Phase Three," General Carter said.

The cylinder of liquid shrank more and more quickly, until finally it was a mere ampoule, two inches high and half an inch thick, with somewhere in the miniaturized fluid an infra-miniaturized *Proteus* no larger than the size of a bacterium. The miniaturizer dimmed again.

"Get them," said Carter, shakily. "Get some word from them."

The ALL WELL was again announced.

"Take out the miniaturizer on the double."

A blank circular dial on the wall above Carter's head now flashed into a dark 60.

General Carter nodded to Colonel Reid. "Take over, Don. We've got sixty minutes from this instant."

The wireless rattled harshly, and Grant sent back the ALL WELL.

Grant said, "They say outside we're at full miniaturization." Then he said, "Captain Owens, why is the ship vibrating? Is there anything wrong?"

Michaels said, "I feel it. It's an uneven vibration."

"I feel it too," said Cora Peterson.

"We can't help this. It's Brownian motion," said Owens.

Grant said, "Whose motion?"

"Brown's, if you must know. Robert Brown, a nineteenth-century Scottish botanist, who first observed it. You see, we're being bombarded by water molecules from all sides. If we were full-size, the molecules would be so tiny in comparison that their collisions wouldn't affect us. However, the fact that we're tremendously miniaturized brings about the same results that would follow if we had remained constant and everything in our surroundings had been greatly magnified."

"Like the water all around," Cora broke in.

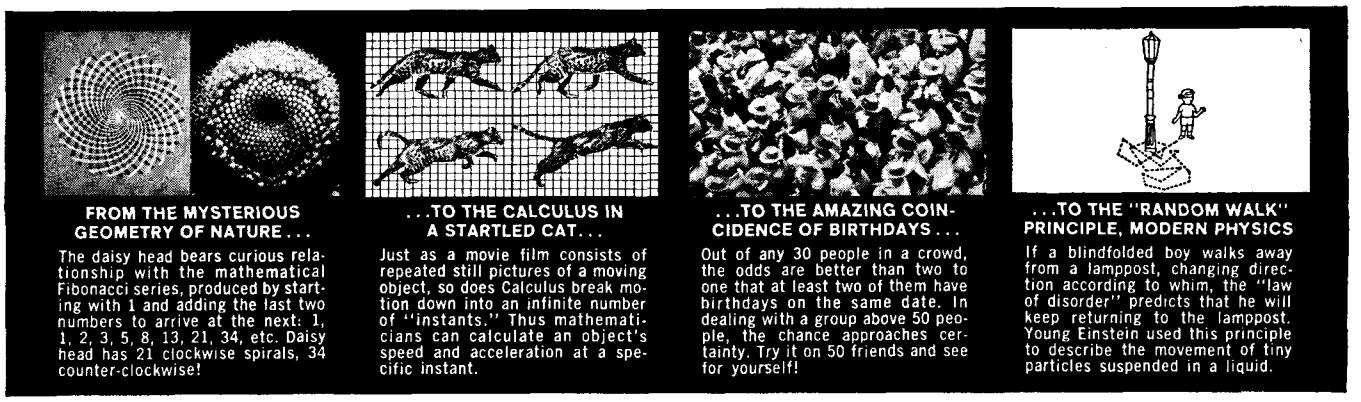
"Exactly," said Owens. "So far, we're not badly off. The water around us has been partly miniaturized with us. When we get into the bloodstream, though, each water molecule—on our present scale—will weigh a milligram or so. They will still be too small to affect us individually, but thousands will be striking us simultaneously from all directions, and those strikes won't be distributed evenly. This vibration we feel now is the result of such random molecular strikes. It will be worse later on."

Michaels said, with obvious worry, "Can the ship take the battering?"

Owens said, "I think so. I made some calculations in advance. From what I feel now, I think my estimates weren't far off. This can be endured."

At that point, the *Proteus* moved convulsively, first to one side, then to the other, in great sweeps.

Grant braced himself against his chair and noted the Time Recorder



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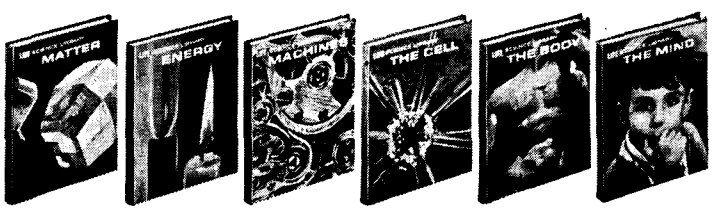

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reading to be 59. A long minute, he thought. Michaels had said the time-sense slowed with miniaturization, and he was obviously right.

"Phase Four," said Colonel Reid.

The waldo had already moved above the ampoule, the claw adjusted for horizontal holding, rather than vertical. Again the device was centered, again the arm dropped, and the claws came together with infinite delicacy.

A nurse stepped forward briskly, took a small case from her pocket, and opened it. She removed a glass rod and placed it over the ampoule and let the rod slide a fraction of an inch into it, until air pressure held it steady. She spun it gently and said, "Plunger fits."

The nurse waited, and the waldo lifted its arm slowly. Smoothly the ampoule and plunger rose. Three inches above the Zero Module, it stopped.

The nurse eased the cork base off the bottom of the ampoule, revealing a small nipple centered on the lower surface.

Moving quickly again, the nurse removed a stainless steel needle from the case and adjusted it over the nipple.

"Needle fits," she said.

What had been an ampoule had become a hypodermic needle.

A second set of claws swung out from the waldo and was adjusted to the head of the plunger, then clamped into place. The entire waldo, carrying the hypodermic needle in its two claws, now moved smoothly, through double doors that opened at its approach, to the operating room, and stopped at the table on which Jan Benes lay.

Forming a rough hemisphere beyond Benes' shaven, grid-marked head was a group of sensitive detectors intended to react to the presence of radioactive emissions.

A team of gauze-masked surgeons and their assistants hovered about Benes. The Time Recorder was prominent on one wall and at this point it changed from 59 to 58.

The waldo stopped at his bedside.

Two of the sensors moved from their place, as though they were suddenly endowed with life. They lined up on either side of the hypodermic, one adjacent to the ampoule and one adjacent to the needle.

The waldo holding the plunger of the hypodermic now pushed downward with a smoothly increasing pressure. A tiny bubble began to appear at the tip of the needle.

"*Proteus* in needle," a technician called out.

Colonel Reid said, "We can insert now."

The hypodermic needle was tilted into a sharp slant by the two sets of claws, and the waldo began to move again, this time toward a spot on Benes' neck which a nurse now swabbed with alcohol. A small circle was marked on the neck, within the circle a smaller cross; and toward the center of the cross the tip of the needle approached.

A moment of hesitation as the needle tip touched the neck. It punctured and entered a prescribed distance; the plunger moved slightly and the sensor-technician called out, "*Proteus* injected."

The waldo moved off hurriedly. The cloud of sensors moved in, like eagerly reaching antennae, settling down all over Benes' head and neck.

"Tracking," called out the sensor technician, and flipped a switch. A half dozen screens, each with its blip in a different position, lit up. The information on those screens was fed into a computer, which controlled the huge map of Benes' circulatory system. On that map, a bright dot sprang into life in the carotid artery. The artery into which the *Proteus* had been injected.

Carter watched as the Time Recorder moved to 57, then followed the movement of the dot of light along the artery, toward the head of Jan Benes and the blood clot that was tormenting his brain.

"Here we go!" cried Owens.

They were sliding forward now; the sensation was unmistakable. The far-off curving walls of the hypodermic needle seemed more solid as the spotty reflections of miniaturized light blurred and melted together. It was like riding a plunging roller coaster.

Up ahead, the solidity seemed to come to an end in a tiny circle of flickering light. The circle enlarged slowly, then more rapidly, then opened into an incredible abyss—and all was flicker.

Owens said, "We're in the carotid artery now."

The Time Recorder read 57.

Doctor Duval looked about with exultation. "Conceive it," he said. "Inside a human body; inside an artery."

Owens had brought the *Proteus* to a virtual halt, allowing it to sweep along with the heart-driven flow in the bloodstream.

The distant wall of the artery seemed half a mile away and glowed a brilliant amber in fits and sparks, for it was mostly hidden by the collection of objects that floated by near the ship.

It was a vast, exotic aquarium they faced. The most numerous objects looked like large rubber tires, the centers depressed but not pierced through. Each was about twice the diameter of the ship, each an orange-straw color, each sparkling and blazing intermittently.

Cora said in awed tones, "They're like soft, squashed balloons that have trapped a million diamonds."

"Actually, they're red corpuscles," said Doctor Michaels. "Red in the mass, but straw-colored singly."

Duval cried out, "Look. See that!"

Grant looked off in the direction of the pointing finger. He saw the red corpuscles and small, rodlike objects that were pushing fragments and detritus. Then he made out the object at which Duval was pointing. It was huge, milky and pulsating. Inside its milkiness there were black twinkles—flashing bits of black so intense as to glow with a blinding non-light of their own. It faded out now, obscured by the closer objects, lost in the swirl.

"What the hell was that?" asked Grant.

"A white blood cell, of course. There aren't many of those; at least, not compared to the red corpuscles. There are about six hundred and fifty reds for every white."

"They're the body's scavengers, aren't they?"

"Yes. We're bacterial-sized, but we have a metal skin and not a mucopolysaccharide cell wall. I trust that as long as we do no damage to the tissues, they won't react to us."

Owens said, "I suggest you all return to your seats now. We will be approaching a branch in the artery soon, and I am going to move over to one side."

A mass of very tiny structures, clinging together and forming a tight, spiral-shaped pipe, passed by. Several more followed, each expanding and contracting as it went.

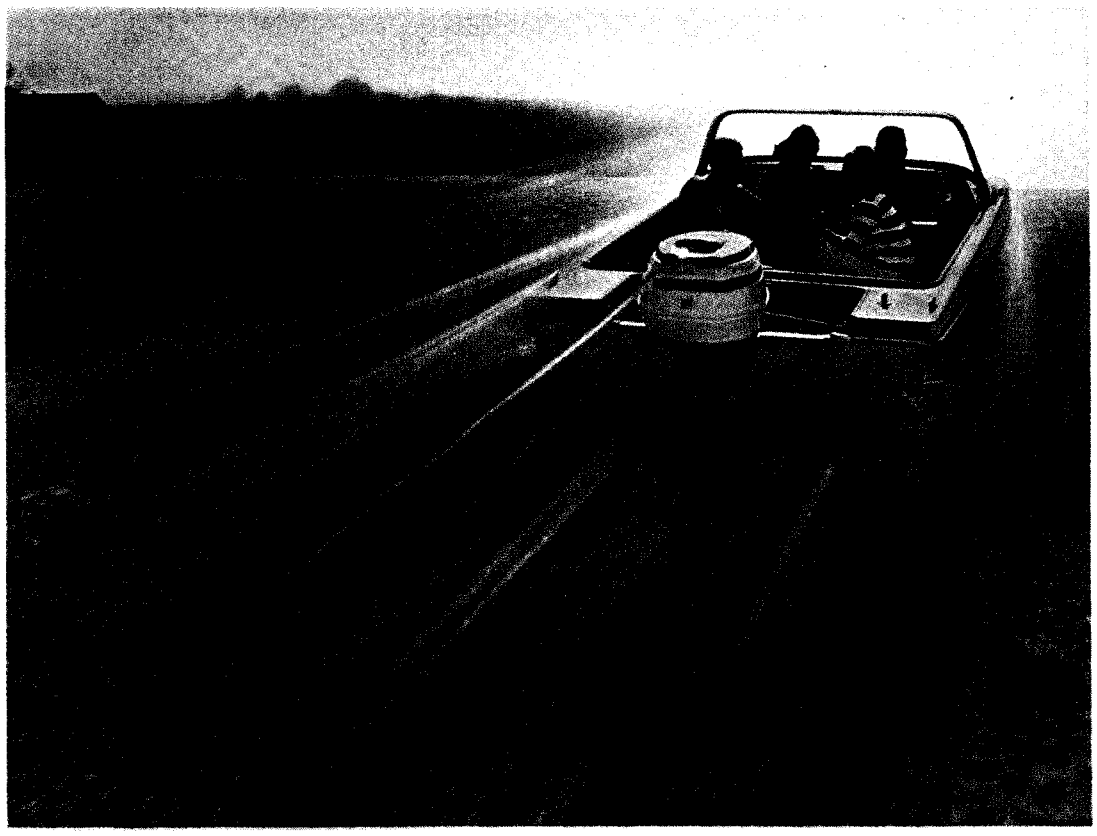
"Ah," said Duval, "I don't recognize *that*."

"A virus, perhaps," suggested Cora.

"A little too large for a virus, I think, and certainly like none I've seen. . . Owens, are we equipped to take samples?"

Owens said, "We can get out of the ship if we have to, Doctor, but we can't stop for samples."

"Come, now, we may not have this chance again." Duval rose to his feet. "Let's get a piece of that into the ship. Miss Peterson, you ——"



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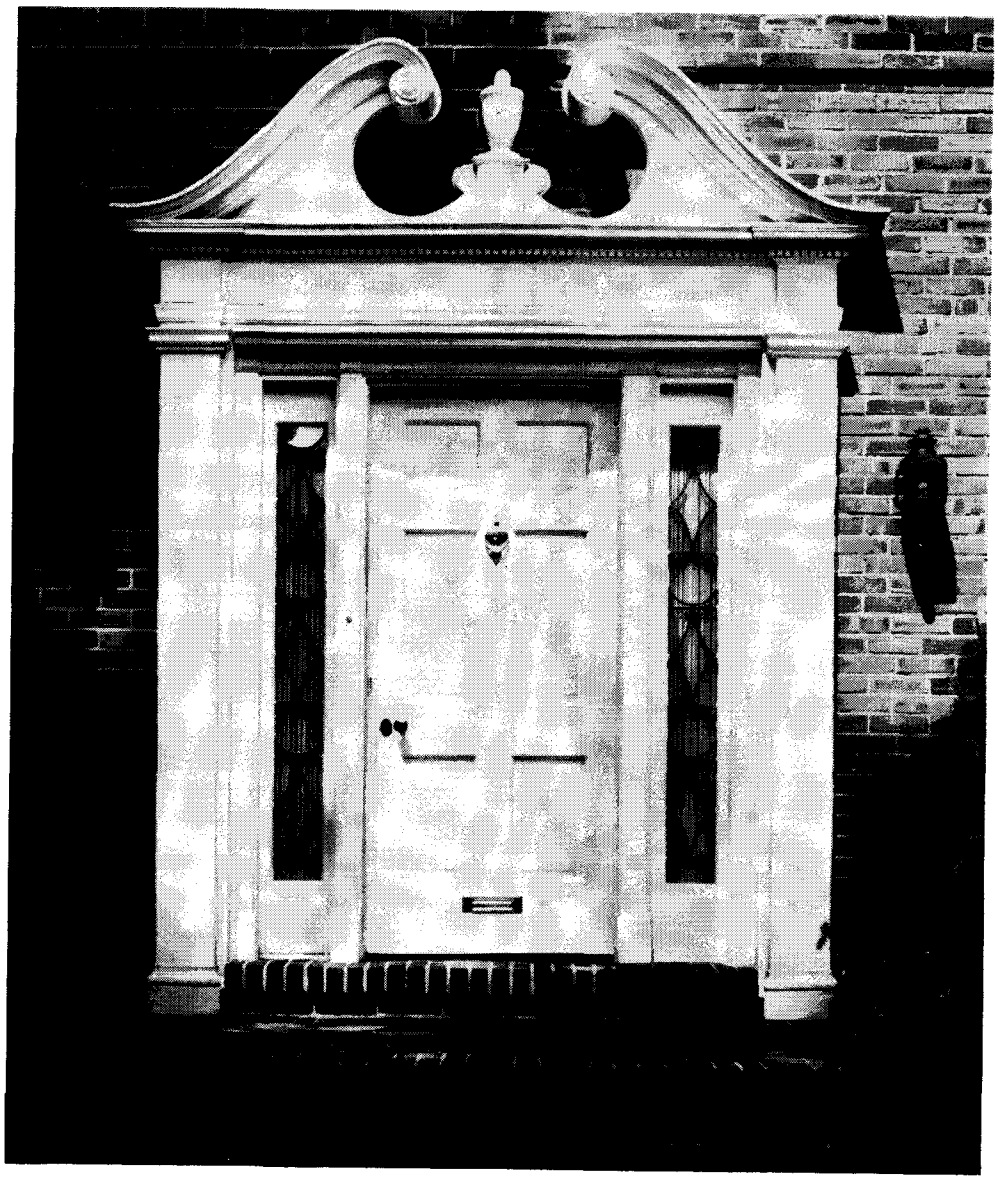

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Owens said, "This ship has a mission, Doctor."

"It doesn't matter to ——" began Duval, but then broke off at the firm grip of Grant's hand on his shoulder.

"If you don't mind, Doctor," said Grant, "let's not argue about this. We have a job to do."

"Oh, well," Duval said, "they've gotten away anyhow."

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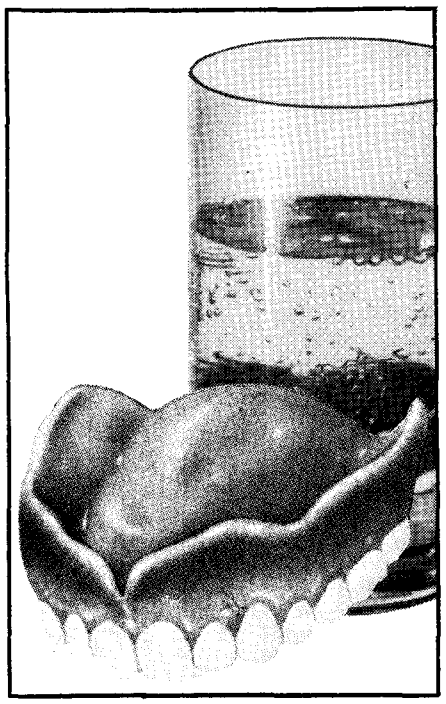

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Owens said, "Arterial wall to the right."

The *Proteus* had made a long, sweeping curve, and the wall seemed about a hundred feet away now. The somewhat corrugated amber inner lining of the artery was clearly visible in all its detail.

Doctor Michaels lifted his slide rule from its recess and made a rapid calculation. "We'll be at the branch in two minutes. Keep the wall at its present distance when you turn. That will bring you safely into the middle of the branch, and then you can move smoothly into the capillary net without further branching."

There was a sudden wrench, and Grant was nearly thrown out of his seat.

"Owens!" he cried out. "What happened?"

"I don't know. The ship won't handle."

Michaels' voice came up tensely: "Captain Owens, correct your course. We're approaching the wall."

"I—know that," Owens gasped. "We're in some sort of current."

Grant said, "Why should there be a crosscurrent here? Aren't we going along with the arterial flow?"

"Yes," said Michaels, his face waxen. "There can't be anything to force us sideways like this." He pointed outward at the arterial wall, much closer now and still approaching. "There must be something wrong with the controls. If we strike the wall and damage it, a clot may form about us and fix us there, or the white cells may attack us."

Duval said, "But this is impossible in a closed system. The laws of hydrodynamics ——"

"A closed system?" Michaels' eyebrows shot upward. With an effort, he staggered to his charts, then moaned, "It's no use. I need more magnification and I can't get it here. For God's sake, Owens, keep away from the wall."

"Damn it, man," Owens shouted back. "I tell you there's a current that I simply can't fight."

"Don't try to fight it directly then," cried Grant. "Give the ship its head and just try to keep its course parallel to the wall."

The buffeting of the ship was growing worse. The wall was closer still and beginning to look ragged. The connective strands of the lining had worked loose in spots, as though they themselves had been withstanding a raging torrent for much longer than the *Proteus* had, and were beginning to buckle under the strain.

Cora screamed in shrill terror.

Duval muttered, "The artery is damaged."

But the current swept around the living buttress and carried the ship with it, throwing it into a sickening lurch that piled everyone helplessly against the left wall.

Grant shouted, "Whirlpool! Get into your seats. Strap yourselves in."

The particles outside the window were virtually motionless for the moment as everything was caught in the same whirling current.

Owens shouted, "Some sort of opening dead ahead."

Duval said, "It's a fistula—an arterio-venous fistula."

Grant raised his head and looked out the window. The damaged arterial wall came to an end dead ahead.

With a final vibration that nearly stunned Grant, they were through, and slowing, slowing, into sudden calm.

Michaels' face was twisted almost unrecognizably with relief. "We made it. We made it. We're in one piece. How is it, Owens?"

"In good order, I think," said Owens.

Grant said, "Now, tell me what happened."

Michaels said, "An arterio-ven—— Well, put it this way. An abnormal connection existed between an artery and a small vein. It happens sometimes, usually as the result of physical trauma. It happened to Benes at the time he was hurt in the car, I suppose. It's microscopic; a tiny eddy."

"A tiny eddy. This!"

"On our miniaturized scale, of course, it's a gigantic whirlpool."

"Didn't it show up on your charts of the circulatory system, Michaels?" asked Grant.

"It must have. The trouble is my initial analysis had to be made in three hours, and I missed it. I have no excuse."

Grant said, "All right, it just means some lost time. Plot out an alternate route and get Owens started." He looked at the Time Recorder. He read: 52.

Michaels said, "There's *no* time, Grant. You haven't grasped what's happened. We're through. We've failed. We must ask to be removed from the body."

"But it will be days before the ship can be miniaturized again," Cora cried. "Benes will die."

"There's nothing to be done. We're heading into the jugular vein now. We can't go back through the fissure—we couldn't buck that current, even when the heart is in the diastolic stage, between beats. The only other route, the one in which we follow the venous current, leads through the heart, which is clear suicide."

Owens said, in a cracked, dull voice, "He's right. The mission has failed."

Hell had broken loose in the control tower, the blip indicating the ship had scarcely changed position on the overall screen, but the coordinate pattern had been critically altered.

Carter and Reid turned at the sound of a monitor signal.

"Sir." The face on the screen was agitated. "*Proteus* off course."

General Carter reddened. "Where are they?"

"In the jugular vein, sir, heading for the superior *vena cava.*"

"In a *vein!* What the hell are they doing in a vein?"

Colonel Reid said, "I've ordered the men at the chart to try to locate an arterio-venous fistula. They're rare and not easy to find."

"Didn't they know it was there?"

"Obviously not. And it may have been a pretty violent affair on their scale. They may not have survived."

General Carter turned to the bank of television screens. He punched the appropriate button. "Any new messages from the *Proteus*?"

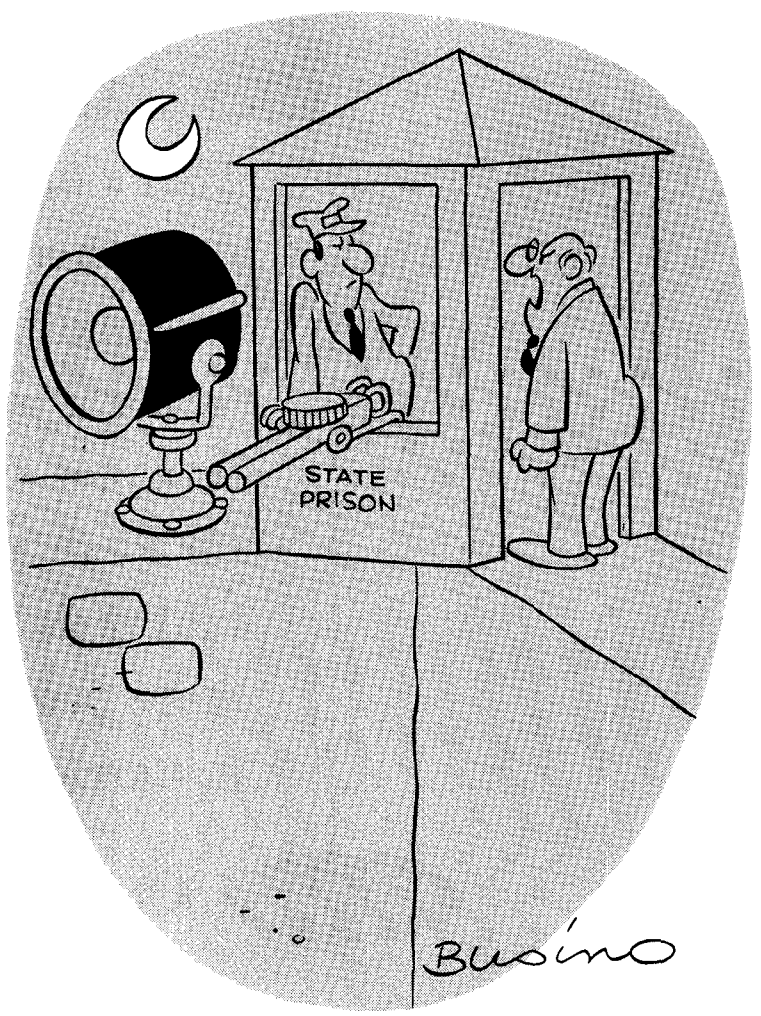
"No, sir," came the quick answer.

"Well, get in touch with them, man! And put it through to me directly."

In less than a minute the word came through. "*Proteus* reporting, sir."

"State the message," Carter said.

"They've passed through an arterio-venous fistula, sir. They cannot return and they cannot go ahead. They ask leave to be brought out, sir."



THE SATURDAY EVENING POST

"Look, Dongwall, I don't care if it was attracting too many bugs."

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Carter brought both fists down upon the desk. "No! By God, no!"

Reid said, "But, General, they're right."

General Carter looked up at the Time Recorder. It stood at 51. "They have fifty-one minutes and they'll stay there fifty-one minutes. When that thing reads zero, we take them out. Not a minute before, unless the mission is accomplished."

"But it's hopeless, damn it. God knows how weakened their ship is. We'll be killing five people."

"Maybe. That's the chance they take and that's the chance we take. But it will be firmly recorded that we never gave up as long as the smallest mathematical chance of success remained."

"They can't go back through the fistula against the current. That's physically impossible, no matter how many orders you give. Blood pressure is not under Army control."

"Why can't they find another route?"

"All routes from their present position to the clot lead through the heart. The turbulence of the heart passage would smash them to kindling in an instant, and we can't take that chance."

For a moment Carter considered. He said quietly, "Colonel Reid, tell me—without killing Benes, how long can we stop his heart?"

"Well—in his comatose state, and under hypothermic chilling—but allowing for the shaky condition of his brain—I would say no more than sixty seconds."

Carter said, "The *Proteus* can plow through the heart in less than sixty seconds, can't it?"

"I don't know."

"They'll have to try, then. What are the problems involved in stopping the heart?"

"None. The trick will be to start it again."

"That, Colonel, is going to be your problem and your responsibility." He looked at the Time Recorder, which read 50. "We're wasting time. Get your heart men into action, and I'll have the crew of the *Proteus* instructed."

The lights were on within the *Proteus*. Michaels, Duval, and Cora, looking disheveled, clustered about Grant.

Grant said, "And that's it. They're stopping Benes' heart by electric shock at the moment of our approach, and they'll start it again when we emerge."

"*Start* it again!" exploded Michaels. "Are they mad? Benes can't take that in his condition."

"I suspect," said Grant, "they consider it the only chance the mission has of succeeding."

Duval said, "I've had experience with open-heart surgery, Michaels. It may be possible. The heart is tougher than we think. Owens, how long will it take us to pass through the heart?"

Owens looked down from the bubble. "I've been figuring out just that, Duval. If we have no delays, we can do it in from fifty-five to fifty-seven seconds."

Duval shrugged. "We'd have three seconds to spare."

Owens said, "We're drifting with the current toward the heart right now. I'll shift the engines into high."

The muted throb rose in pitch, and the sensation of forward motion overlay the dull, erratic trembling of the Brownian motion.

Michaels said, "Are you ready, Owens? I'm going to guide you through the heart." He moved to his charts. "Heart chart A-2. Approach. Right atrium."

They could hear it—like the distant boom of artillery. It was only a rhythmic vibration of the floor of the ship, slow and measured, but growing louder. A dull thud, followed by a duller; a pause, then a repetition, always louder.

"The heart!" said Cora.

"It sounds like cannon," said Grant.

"Are you ready, Owens?" said Michaels.

"I am. At least I'm at the controls, and I've got the chart before me. But how do I find my way through this?"

"We can't get lost, even if we try. We're in the superior *vena cava* now. In seconds, we'll be entering the right atrium, the first chamber of the heart—and they had better stop the heart too. Grant, radio our position."

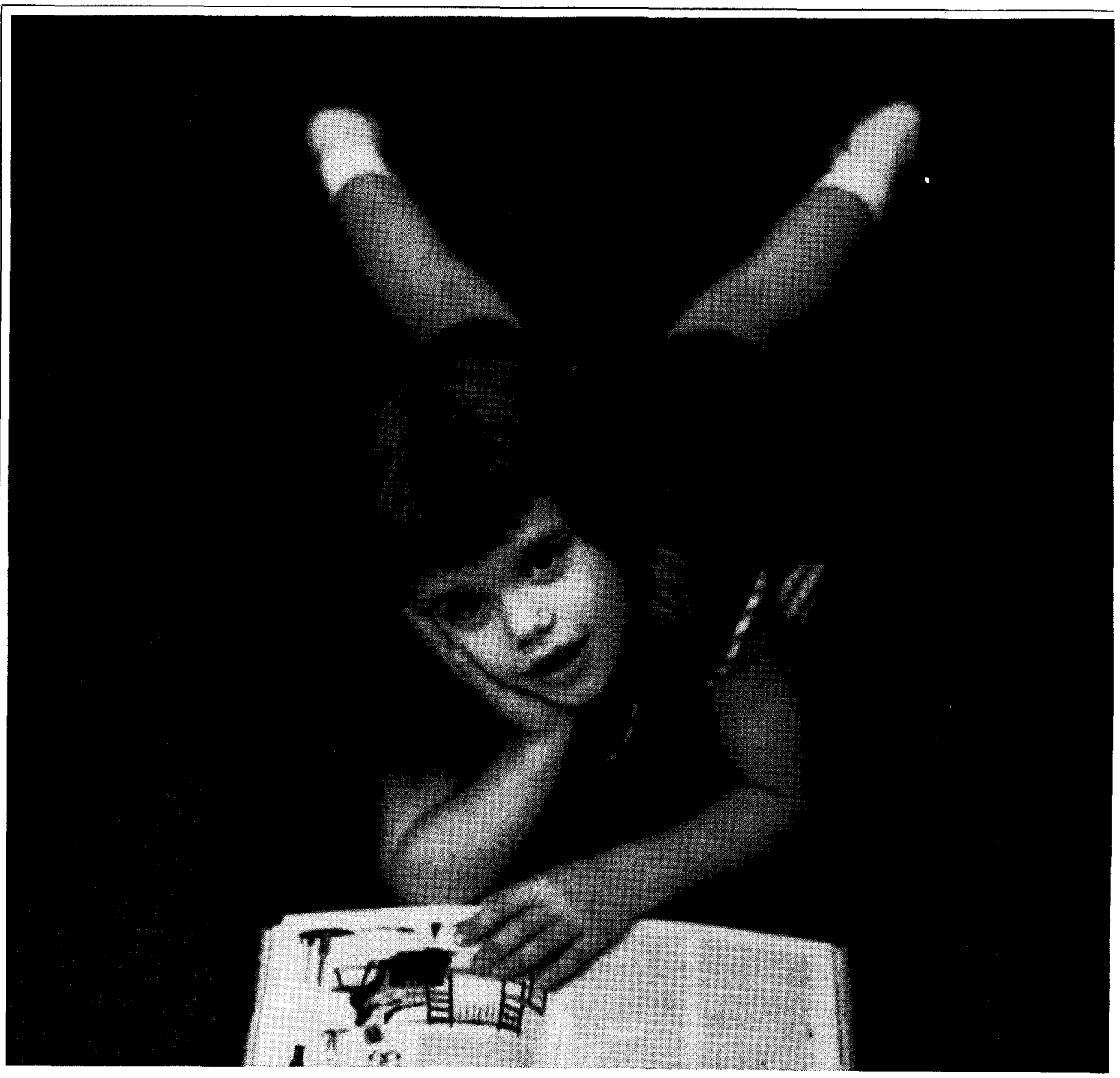
The heart was a slow, terrifying pound now. At each steady thud, the ship seemed to lift and tremble. Owens called out, "Tricuspid valve ahead."

Then came the sound of the thunderous boom of the ventricles, the main, muscular chambers of the heart, as they contracted.

Grant called out above the reverberating boom. "One more heartbeat, and that will be the last, they say."

Michaels said, "It had better be, or it's our last heartbeat, too. Shove on through, full speed, Owens, the instant the valve opens again."

(To Be Concluded)



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THE PRODIGAL FOOL

Was this what he had traveled halfway around the world for—to end up shivering naked on a rooftop, a bad joke in the land of his fathers?

BY ISAAC BASHEVIS SINGER

I began to dream about this trip when I was five years old. At that time, my teacher, Moses Alter, read to me from the Pentateuch about how Jacob crossed the Jordan carrying only his staff. But a week after my arrival in Israel, there were few marvels left for me to see. I had visited Jerusalem, the Knesset, Mount Zion, the kibbutzim in Galilee, the ruins of Safad, Nazareth, the remains of the fortification of Acre, and all the other sights. I even made the at-the-time dangerous trip from Beersheba to Sodom, and on the way saw camels harnessed to the plows of Arabs. Israel was even smaller than I had imagined it to be. The tourist car in which I traveled seemed to be going in circles. For three days wherever we went we played hide-and-seek with the Sea of Galilee. During the day, the car was continually overheating. I wore two pairs of sunglasses, one on top of the other, as protection against the glare of the sun. At night, a hot wind blew in from somewhere. In Tel Aviv, in my hotel room, they taught me to maneuver the shutters, but in the one moment it took me to get out on the balcony, the thin sand carried by the khamsin wind managed to cover the linens of my bed. With the wind came locusts, flies, and butterflies of all sizes and colors, along with beetles larger than any I had ever seen before. The humming and buzzing was unusually loud. The moths beat themselves against the walls with unbelievable strength, as if in preparation for the final war between man and insect. The tepid breath of the sea stank of rotten fish and excrement. That late summer, electricity failures were frequent in Tel Aviv. A suburban darkness covered the city. The sky filled with stars. The setting sun had left behind the redness of a heavenly slaughter.

On a balcony across the street, an old man with a small white beard, a silken skullcap partly covering his high forehead, half sat, half reclined on a bed, reading a book through a magnifying glass. A young woman kept bringing him refreshments. I noticed that he was making notes in the book's margins. On the street below, girls laughed and shrieked,

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picked fights with boys just as I had seen them do in Brooklyn, and in Madrid, where I had stopped en route. They teased one another in Hebrew slang. I could no longer stand my room and went out to look for unholy adventures in the Holy Land.

I had many friends and acquaintances from Warsaw in the city, even a former mistress. The greatest part of those who had been close to me had perished in Hitler's concentration camps or had died of hunger and typhoid in Soviet Middle Asia. But some of my friends had been saved. I found them sitting in the outdoor cafés, sipping lemonade through straws and carrying on the same old conversations. What are seventeen years, after all? The men had become a little grayer. More of the women dyed their hair; heavy makeup hid their wrinkles. The hot climate had not wilted their desires. The widows and widowers had remarried. Those recently divorced were looking for new mates or lovers. These people wrote books, painted pictures, tried to get parts in plays, worked for all kinds of newspapers and magazines. All had managed to learn at least some Hebrew. In their years of wandering, many of them had taught themselves Russian, German, English, and even Hungarian and Uzbek.

They immediately made room for me at their tables, and began reminding me of episodes I could not possibly forget. They asked my advice on American visas, literary agents and impresarios. We were even able to joke about friends who had long since become ashes. Every now and then a woman would wipe away a tear with the point of her handkerchief so as not to smear her mascara.

I didn't look for Esther, but I knew that we would meet. How could I have avoided her? That evening I happened to be sitting in a café frequented by merchants, not artists. At the surrounding tables the subject was business. Diamond merchants brought out small bags of gems and their jewelers' lenses. A stone passed quickly from table to table. It was inspected, fingered and then given to another with a nod of the head. It seemed to me that I was in Warsaw, on Krolewska Street. Suddenly I saw her. She glanced around looking for someone, as if she had an appointment. I saw everything at once: the dyed hair, the bags under her eyes, the rouge on her cheeks. One thing only had remained unchanged—her slim figure. We embraced and uttered the same lie: "You haven't changed." And when she sat down at my table, the difference between what she had been then and what she was now actually began to disappear, as if some hidden power were quickly retouching her face to the image which had remained in my memory.

I sat there listening to her jumbled conversation. She mixed countries, cities, years, marriages. One husband had perished; she had divorced another. He now lived nearby with another woman. Her third husband, also divorced, lived in Paris but he expected to come to Israel soon. They had met in a labor camp in Tashkent. Yes, she was still painting. What else could she do? She had changed her style, was no longer an impressionist. Where could old-fashioned realism lead today? The artist must create something new and entirely his own. If not, art was bankrupt. I reminded her of the time when she had considered Picasso and Chagall frauds. Yes, that was true, but later she herself had reached a dead end. Now her painting was really different, original. But who needed paintings here? In Safad there was an artists' colony, but she had not been able to adjust herself to the life there. She had had enough of wandering about through all kinds of Godforsaken villages in Middle Asia. She needed to breathe city air.

"Where is your daughter?"

"Masha is in London."

"Married?"

"Yes. I'm a *savta*, a grandmother."

She smiled slyly, as if to say: "Why shouldn't I tell you? I can't fool you anyhow." I noticed her newly capped teeth. When the waiter came over, she ordered coffee. We sat for a while in silence. Time had battered us. It had robbed us of our parents, our relatives, had destroyed our homes. It had mocked our fantasies, our dreams of greatness, fame, riches.

I had had news of Esther while I was still in New York. Some mutual friends wrote to me that her paintings were not exhibited; her name was never mentioned in the press. Because she had had a nervous breakdown, she had spent some time in either a clinic or an asylum.

In Tel Aviv, women seldom wear hats, and almost never in the evening, but Esther had on a wide-brimmed straw sailor, which was trimmed with a green ribbon and slanted over one eye. Though her hair was dyed auburn, there were traces of other colors in it. Here and there, it even had a bluish cast. Still her face had retained its girlish narrowness. Her nose was thin, her chin pointed. Her eyes—sometimes green, sometimes yellow—had the youthful intensity and stubbornness of the unjaded, still ready to struggle and hope to the last minute. How else could she have survived all the suffering that she had endured?

I asked, "Do you have a man, at least?"

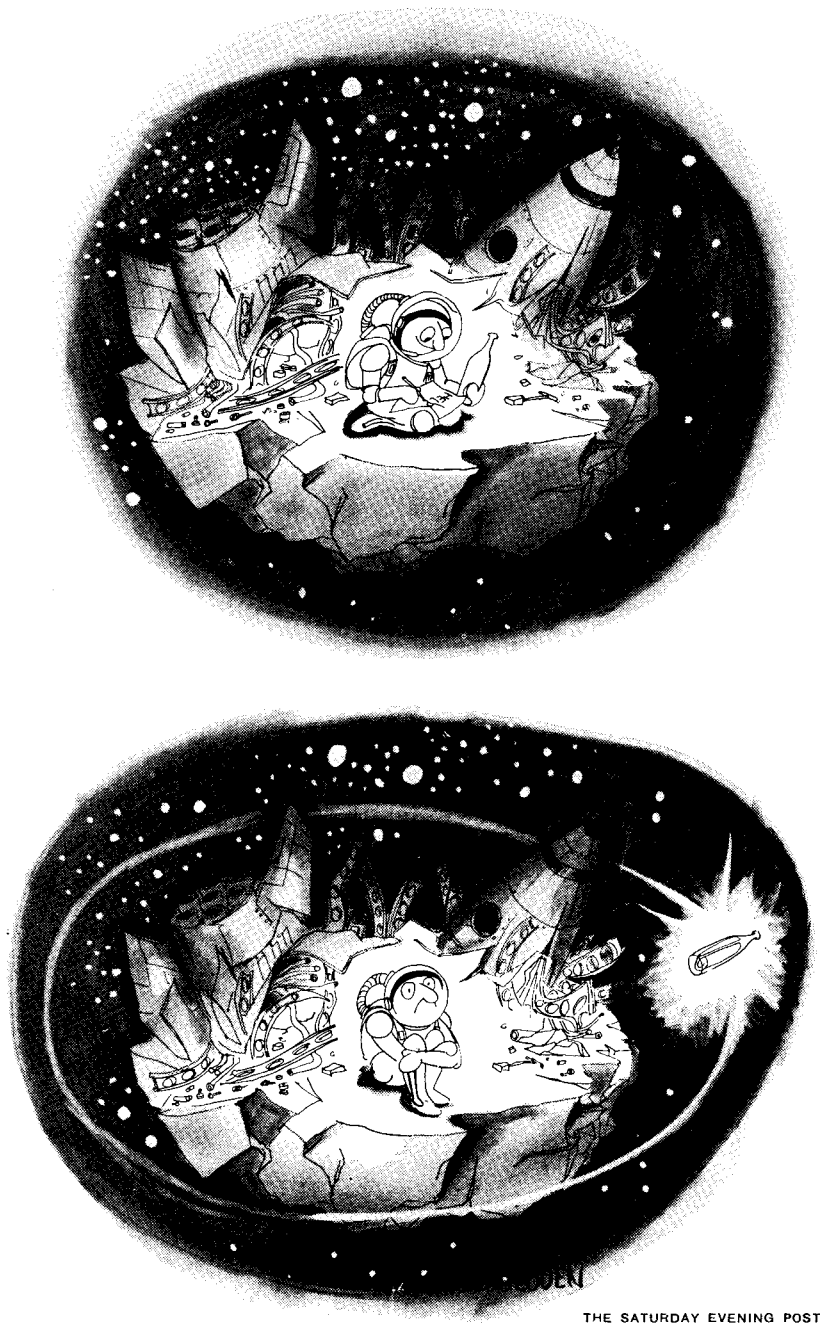
Esther's eyes filled with laughter. "Starting all over again? The first minute?"

"Why wait?"

"You haven't changed."

She took a sip of coffee and said, "Of course I have a man. You know I can't live without one. But he's crazy, and I am not speaking figuratively. He's so mad about me that he destroys me. He follows me on the street, knocks at my door in the middle of the night, and embarrasses me in front of my neighbors. I've even called the police, but I can't get rid of him. Luckily, he is in Eilat at the moment. I've seriously thought of taking a gun and shooting him."

"Who is he? What does he do?"



"He says he is an engineer, but he's really an electrician. He's intelligent, but mentally sick. Sometimes I think that the only way out for me is to commit suicide."

"Does he at least satisfy you?"

"Yes and no. I hate savages and I'm tired of him. He bores me, keeps everybody away from me. I'm convinced that someday he'll kill me. I'm as certain of that as that it's night now. But what can I do? The Tel Aviv police are like the police everywhere. 'After he kills you,' they say, 'we'll put him in jail.' Meanwhile, they do nothing. He should be committed. If I had somewhere to go, I would leave, but the foreign consulates aren't exactly handing out visas.

"At least I have an apartment here. Some apartment! But it's a place to sleep. And what can I do with my paintings? They're just gathering dust. Even if I wanted to leave, I don't have the fare. The alimony I get from my former husband, the doctor, is a pittance. And he's always behind in his payments. They don't know what it's all about here. It's not America. I'm starving and that's the bitter truth. Don't grab your wallet; it's not really that bad. I've lived alone and I'll die alone. I'm proud of it, and besides, it's my fate. What I'm going through and what I've been through, nobody knows, not even God. There's not a day without some catastrophe. But suddenly I walk into a café, and there you are. That's really something."

"Didn't you know that I was here?"

"Yes, but how did I know what you'd be like after all these years? I haven't changed a bit, and that's my tragedy. I've remained the same. I've the same desires, the same dreams—they persecute me here, just as they did twenty years ago in Poland. They are all my enemies, and I don't know why. I've read your books. I've forgotten nothing. I've always thought about you, even when I lay swollen from hunger in Kazakhstan and looked into the eyes of death. You wrote somewhere that one sins in another world, and that this world is hell. For you, that may have been just a clever phrase, but it's the truth. I am the reincarnation of some wicked man from another planet. Gehenna—hell—is in me. This climate sickens me. The men here become impotent; the women are consumed with passion. Why did God pick out this land for the Jews? When the khamsin begins, my brains rattle. Here the winds don't blow; they wail like jackals. Sometimes I stay in bed all day because I don't have the strength to get up, but at night I roam about like a beast of prey. How long can I go on like this? But that I'm alive and seeing you makes it a holiday for me."

She pushed her chair away from the table, almost overturning it. "These mosquitoes are driving me crazy."

Although I had already had dinner, I ate again with Esther and drank Carmel wine with her. Then I went to her home. On the way, she kept apologizing for the poorness of her apartment. We passed a park. Though lit by street lamps, it was covered by darkness which no light could penetrate. The motionless leaves of the trees seemed almost petrified. We walked through dim streets, each bearing the name of a Hebrew writer. I read the signs over women's clothing stores.

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The Commission for Modernizing Hebrew had already created the terminology for brassieres, nylons, corsets, ladies' pocketbooks and cosmetics. They had found the sources for such worldly items in the Bible, the Babylonian Talmud, the Jerusalem Talmud, and even the Zohar. It was already late in the evening, but buildings and asphalt still exuded the heat of the day. The humid air smelled of pitch, cement and fish.

I felt the age of the earth beneath me, the lost civilizations lying in layers. Somewhere below lay hidden golden calves, the jewelry of temple harlots, and images of Baal and Astarte. Here prophets foretold disasters. From a nearby harbor, Jonah had fled to Tarshish rather than prophesy the doom of Nineveh. In the daylight these events seemed remote, but at night the dead walked again. I heard the whisperings of phantoms. An awakening bird had uttered a shrill alarm. Eddies of swarming insects beat themselves against the glass of the street lamps, crazed with lust.

Esther took my arm, like a lover, like a wife, with a loyalty unprofaned by any past betrayal. She led me up the stairway of a building. Esther's apartment was actually a separate structure on the roof. As she opened the door, a blast of heat, combined with the smell of paint and of alcohol used for a primus stove hit me. The single room served as studio, bedroom, kitchen. Esther did not switch on the electricity. Why should she? Our past had accustomed us both to undress and dress in the dark. She opened the shutters, and the night shone brightly in with its street lamps and stars. A painting stood on the daybed, propped against the wall. Though I realized that in the daylight its bizarre lines and colors would have little meaning for me, I found it intriguing. We kissed without speaking.

After years of living in the United States, I had forgotten that there could be an apartment without a bathroom. But Esther's had none. There was only a sink with running water. The small toilet was on the roof. Esther opened a glass door to the roof and showed me where to go. I could find neither switch nor cord to turn on the light. In the dark I felt a hook with pieces of torn newspaper stuck to it. As I was returning, I saw through the curtains of the glass door that Esther had turned on a lamp.

Suddenly, the silhouette of a man crossed the door. He was tall and broad-shouldered. I heard voices and realized immediately what had happened. Esther's mad lover had returned. Though terrified, I felt like laughing. My clothes were in Esther's room; I had walked out naked. I had picked out a nice end for myself!

I knew there was no way out. The house was not attached to any other building. Even if I managed to climb down the four stories to the street, I could not return to my hotel without clothes. It occurred to me that Esther might have hidden my things quickly when she heard her lover's steps on the stairs. But he might come outside at any minute. I began to look around the roof for some stick or other object with which to defend myself. But I found nothing. I stood against the outside wall of the toilet, hoping he wouldn't see me. But how long could I stay there? In a few hours it would be daybreak.

I crouched there like an animal at bay waiting for the hunter to shoot. Cool breezes from the sea mingled with the heat rising from the roof. I shivered and could barely keep my teeth from chattering. I realized that my only way of escape would be to climb down the balconies to the street. But when I looked, I saw that I could not even reach the nearest one. If I jumped I might break a leg or even fracture my skull. Besides, I might be arrested or taken to a madhouse.

Despite my anxiety, I was aware of the ridiculousness of my situation. I could hear them giggling at my ill-fated adventure in the cafés of Tel Aviv. I began to pray to God against whom I had sinned. "Father, have mercy on me. Don't let me perish in this preposterous way."

I promised a sum of money for charity if only I could get out of this trap. I looked up to the numberless stars that hovered strangely near, to the cosmos spreading out with all its suns, planets, comets, nebulae, asteroids, and who-knows-what-other powers and spirits, which are either God himself or that which He has formed from His substance. "Do you see what is going on here?" I tried to placate these heavenly bodies. "After all, she's not married. I have not committed adultery." I imagined that there was a touch of compassion in the stars as they gazed at me in the midst of their midnight gaiety. They seemed to be saying to me, "Just wait, child of Adam, we know of your predicament and are taking counsel."

For a long time I stood staring at the sky and at the tangle of houses which make up Tel Aviv. An occasional horn, the bark of a dog, the shout of a human being erupted from the sleeping city. I imagined I heard the surf and a ringing bell. I learned that insects do not sleep at night. Every moment some tiny creature fluttered: some with one pair of wings, others with two pairs of wings, still others with white wings. A huge beetle crawled at my feet. It stopped, changed its direction as if it realized it had gone astray on this strange roof. I had never felt so cl to a crawling creature as in those minutes. I shared its fate. Neither of us knew why he had been born and why he must die. "Brother Beetle," I muttered, "what do they want of us?"

The beetle suddenly scampered off. I was overcome by a kind of religious fervor mixed with sorrow. I was standing on a roof in a land which God had given back to that half of his people that had not been annihilated. I found myself in infinite space, among myriad galaxies, between two eternities, one already past and one still to come. Or perhaps nothing had passed, and all that was or ever will be was unrolled across the universe like one vast scroll. I apologized to my parents, wherever they were, against whom I had once rebelled and whom I was now disgracing. I asked the mercy of God. For instead of returning to His promised land with prayer and gratitude, with the renewed will to study the Torah and to heed His commandments, I had gone with a wanton who had lost herself in lechery and the vanity of art. "Father, help me!" I called out in my despair.

Growing weary, I sat down. Because it was getting colder, I leaned against

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the wall to protect myself. My throat was scratchy, and in my nose I felt the acrid dryness that precedes a cold. "Has anyone else ever been in such a situation?" I asked myself. I was numbed by that silence that accompanies danger. I might freeze to death on this hot summer night.

I dozed. I had sat down, placing my chin on my knees, the palms of my hands against my ribs, like some fakir who has vowed to remain in that position forever. Now and then I tried to warm my legs with my breath. I listened, and heard only the mewing of a cat on a neighboring roof. It yowled first with the thin cry of a child and then that of a woman in labor. I don't know how long I slept—perhaps a minute, perhaps twenty. My mind became empty. My worries vanished. I found myself in a graveyard where children were playing—they had come out of their graves. Among them was a tiny girl in a pleated skirt. Through her blond curls, boils could be seen on her skull. I knew who she was, little Jochebed, our neighbor's daughter at 10 Krochmalna Street, who had caught pneumonia and had been carried out to a children's hearse one morning. The hearse was drawn by a single horse and had many compartments that looked like drawers. Some of the children danced in a circle, others played on swings. It was a recurring dream which began in my childhood. The children, seeming to know that they were dead, neither talked nor sang. Their yellowish faces wore that other-world melancholy revealed only in dreams.

I heard a rustling and then felt someone's touch. Opening my eyes, I saw Esther, wearing a housecoat and slippers. She was carrying my clothes. My suspenders dragged along the roof top, together with a sleeve of my jacket. She put my shoes down and, placing her finger on her lips, indicated silence. She grimaced, and I imagined that she stuck out her tongue in mockery. She backed away and, to my amazement, got down and opened a trap door leading to the stairway. I almost stepped on my glasses, which had fallen out of my pocket. In my confusion, I wasn't aware of Esther leaving. I saw a booklet lying near me—my American passport. I began to search for my money, my traveler's checks. I dressed quickly, and in silence. In my haste, I put my jacket on inside out. My legs became shaky. It was not so much dressing as a wrestle with my clothes. I walked through the trap door and found myself on the steps.

On the ground floor, I found the door chained and locked. I tried to force it like a thief. At last, the latch opened. Having closed it quietly behind me, I walked rapidly away, without once looking back at the house where I had so recently been imprisoned.

I came to an alley which seemed to be newly constructed because it was not yet paved. I followed whatever street I came to just to get as far away as possible. I felt both hot and cold. I walked and I talked to myself. I met a passerby and, stopping him, I addressed him in English. He said to me, "Speak Hebrew," and then showed me how to reach my hotel. There was fatherly reproach in his eyes, embedded in shadow. It seemed as if he had known me for a long time and was now guessing my shameful plight. He disappeared before I could thank him.

I remained where he left me, meditating on what had just happened. Here I was in the land of Israel, on the soil which God had promised Abraham, Isaac and Jacob, a descendant of those who had inherited this land, defiled it with their transgressions, and who, having been driven out, had been forced to spend two thousand years in dark exile. Though it had been my lot to return, I had immediately fallen into the ancient snares and reverted to the old abominations. As I stood alone in the stillness, shivering in the cold of dawn, I saw myself as a symbol of man's eternal perversity, a further proof that the Almighty remains a god of compassion, slow to wrath, quick to forgive, desiring not that the wicked die but that they repent and live. □

Translated by the author and Elizabeth Shub. Mr. Singer's newest book is IN MY FATHER'S COURT, to be published in April by Farrar, Straus, and Giroux, Inc.

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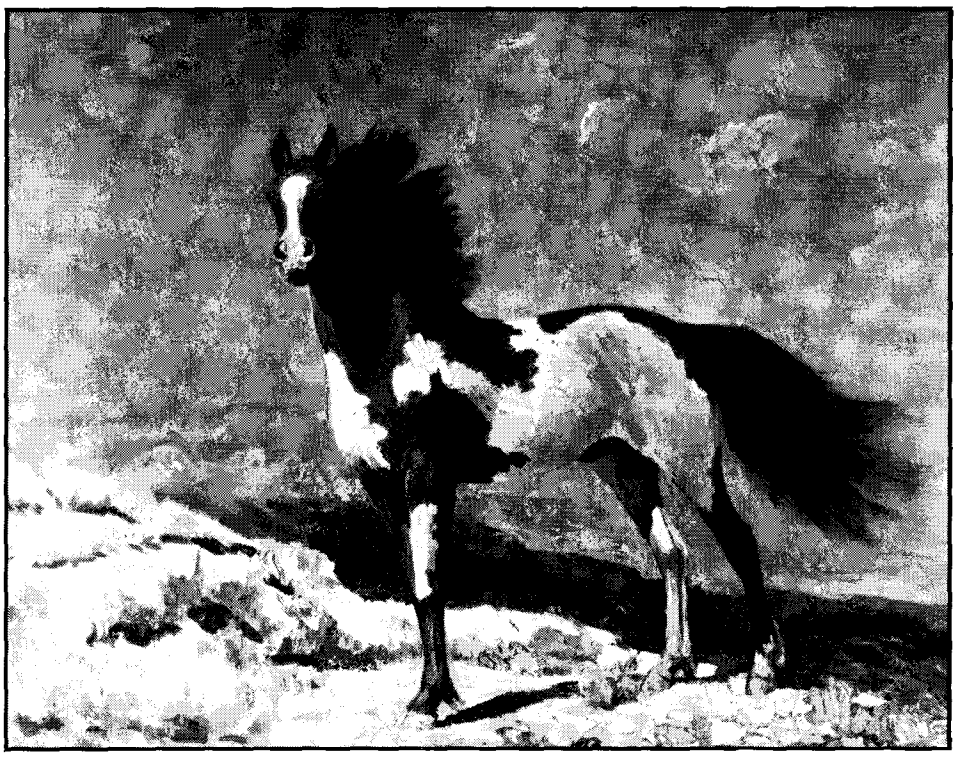

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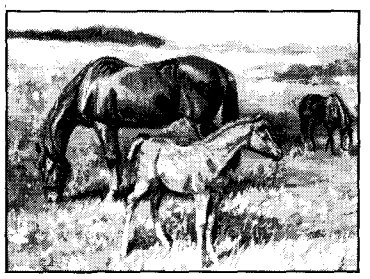

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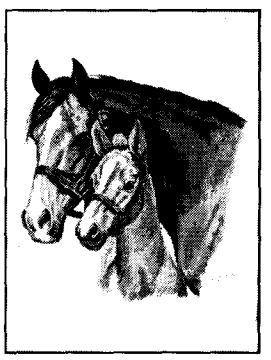

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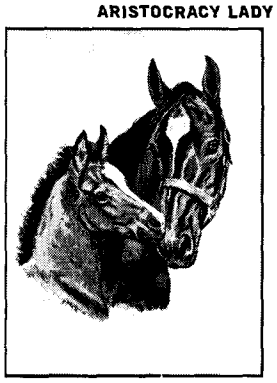

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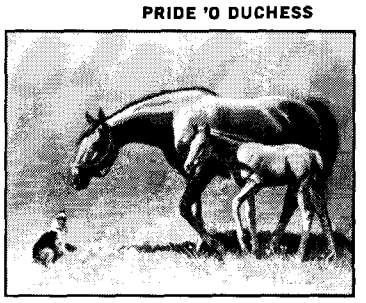

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JUSTICE, THE LAW AND THE LAWYER

(*Continued from page 39*)

desk and maybe a second room for a secretary, a cabinet for the big red envelopes tied with string which are the universal filing system of the profession, and a law library purchased secondhand as furniture and rarely consulted. Their net income averages something under $10,000 a year, they have to struggle for that by taking anything that comes along, and they don't know how business is going to be next year. And their clients, typically, don't want to pay for "just advice," whether the advice is given on the telephone or on a visit to the office. so they have little chance to exercise the lawyer's highest function, which is to keep people out of trouble.

"Most matters that reach the individual practitioner," Jerome Carlin writes in his much-disliked sociologist's study *Lawyers on Their Own*, "do not require very much technical knowledge. . . . Even in those areas where there is presumably greater opportunity for the exercise of legal ingenuity and skill . . . the small or even medium-sized businessman is either not interested in or unwilling to pay for the kind of legal advice or product that would give fullest rein to the individual practitioner's abilities. As a result, the legal work of the individual lawyer is, in most instances, reduced to a fairly routine, clerical-bookkeeping job."

In farm country, the solo practitioners do "bushel baskets of tax forms at a fee of $5 a basket," hoping that the farmer so served will then ask his friend the lawyer to write his will and administer his estate. They undertake the tedious labor of "searching titles," making sure that a piece of land someone wants to buy is clearly and absolutely the property of the man who wants to sell it. They take care of divorces, though they hate the work—"In ordinary litigation," says an old-timer in Indiana, "at least there's a winner." They run for County Attorney, because lawyers are not allowed to advertise or solicit business (or be quoted by name in a magazine unless they are so eminent it can't do them any good). "Many lawyers have lost their licenses for too energetic 'solicitation' of business," Judge Bernard Botein of New York has said ". . . except, perhaps, when it's done in the better clubs." But nobody can object if a man hands out his business cards to every householder in his area as part of an election campaign.

The small-town lawyer is fairly well protected from competition by the system, either formally or informally. The U. S. Supreme Court has upheld the Supreme Court of Kansas in its decision that an attorney practicing in Kansas City, Mo., cannot also run an office in Kansas City, Kan., even though he lives in Kansas and has been admitted to the bar in both states. Even if the state is flexible or the jurisdiction can be made to lie in a federal court, the local man is the best bet for local business. "When you're dealing with a jury," says a New Hampshire lawyer, "in a little state like this, if you show up with New York counsel—well, my God. . . ." Throughout the Midwest, railroad companies still keep courthouse lawyers on retainer by giving them passes to ride the trains for free, to make sure the railroad isn't stuck with metropolitan counsel when it needs the hometown boy.

Life is fiercer in the cities, where the solo lawyers serve as the hardworking and unpaid secretaries and counsel to the Ancient Order of Hibernians and the Sokol and the Turnverein; they lunch regularly at Rotary or Kiwanis or Lions, cultivate their distant cousins, keep an ear out for problems. They incorporate the corner grocer, bring an action against his son-in-law to compel payment of maintenance to his daughter under a separation agreement, evict his delinquent tenant on the third floor, get his son out of the jug after a raid on a poker game, and (if they are lucky) sue the city for his wife, who tripped on a hole in the pavement in front of the public library.

They hate the local accountants and real-estate agents and banks for supplying free legal services to taxpayers and buyers of houses (in New York and California, bar associations have successfully prosecuted accountants who give tax advice for "practicing law without a license"; and one of these days somebody is going to take on a bank that helped a customer draw a will). They distrust the Legal Aid Societies, established by the rich lawyers of the community, which supply free advice and advocacy to those too poor to pay an attorney. They fear the new "clinic" approach sponsored by some labor unions (and recently legitimized by the Supreme Court, to the amazement and fury of the profession, which had submitted an opposing brief signed by the national and 44 state associations), under which union members can get cut-rate legal services through their local.

Law has always been a relatively easy profession for a poor man to enter. Even today, almost a third of the nation's 52,000 law students are in night schools. But to sweat through law school while holding down a full-time job, cram for the complicated problems of the bar exam, borrow the money for an office and then find oneself without business—well, it's hard.

These men need clients, so they go out and find clients. Some of them haunt political clubhouses, and become small-scale fixers; some make friends with the bailiffs in the jails, who call them whenever the search of an arrested burglar or prostitute reveals enough cash to pay for a lawyer; some split fees with doctors and hospital attendants who are in a position to report accidents that might justify lawsuits. A wife taking her husband's suit home from the hospital after he's been in an accident may find the cards of five or six lawyers in his pockets.

A few lawyers fake grounds or jurisdiction for divorce; some organize profitable bankruptcies; and some "improve" accident cases. How much of this hanky-panky there is, nobody knows. It is, of course, terribly easy for the corporate lawyer searching out loopholes in the tax laws to criticize the storefront lawyer for improving the story of his client's accident. Many solo practitioners are among the most decent and useful members of the bar, public servants to an even greater degree than some of their classmates who went right into government service from law school. But all too many of them have misinterpreted the nature of their licence to practice. "The real tragedy," says Dean Erwin Griswold of the Harvard Law School, "is that these people were induced to try to make their living as lawyers."

The American legal system, now under strong (and often justified) attack for its shabby treatment of the poor, has made a unique concession to the needs of people who cannot afford lawyers—it permits, and indeed enforces, the "contingent fee." Under this arrangement, someone who has been injured in an accident can get a lawyer without paying him anything. The lawyer shares the risks of the suit: If his client loses, he gets nothing, and is out-of-pocket for his expenses—the clerical bills and taxi fares, the payments to witnesses for their time and the filing fees that are part of any lawsuit. If his client wins, he takes his fee from the "award." He has no difficulty about getting it, either; under court rules, the money is paid to the attorney, and he deducts his expenses and fee before passing the remainder to the client. Fees normally run one quarter of a settlement negotiated before trial, one third of a settlement negotiated during a trial, and two fifths of what the jury gives if the case goes all the way. A study in Pittsburgh half a dozen years ago claimed that "a significantly large number of cases . . . are settled only after a jury is sworn, in order to allow the lawyer to collect his fee for 'a day' in court."

In Britain, a solicitor who accepts a client on the understanding that he will get paid only if the case is won commits the crime of champerty and will go to jail for it. Even in the United States, the contingent fee makes many (big-firm) lawyers more than a little queasy. Fifty years ago, in his pioneering book *Justice and the Poor*, Reginald Heber Smith of Boston denounced the contingent fee as "inconsistent with any theory that the lawyer is a minister of justice: He is an interested party to the litigation because he is betting on its outcome. . . . The contingent fee . . . induced the unholy triumvirate of lawyer-runner-doctor conspiring together to win fraudulent cases. It has denigrated expert testimony and served as a cloak for robbery through extortionate fees."

At least in theory, a lawyer is an officer of the court; he has taken oaths to that effect. If there are precedents that go against his position, he is required by the ethics of his profession to bring them to the attention of the court whether his opponent does so or not. (The requirement does not extend to *facts*—no lawyer is ever required to volunteer information that would harm a client's case.) Though the lawyer's

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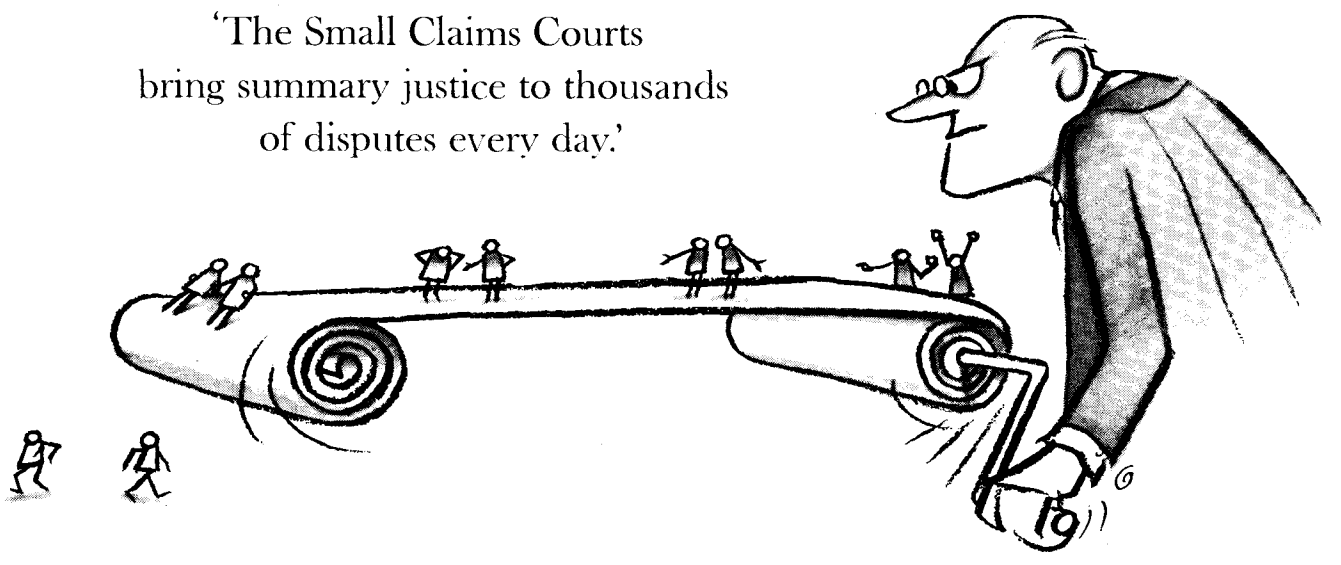

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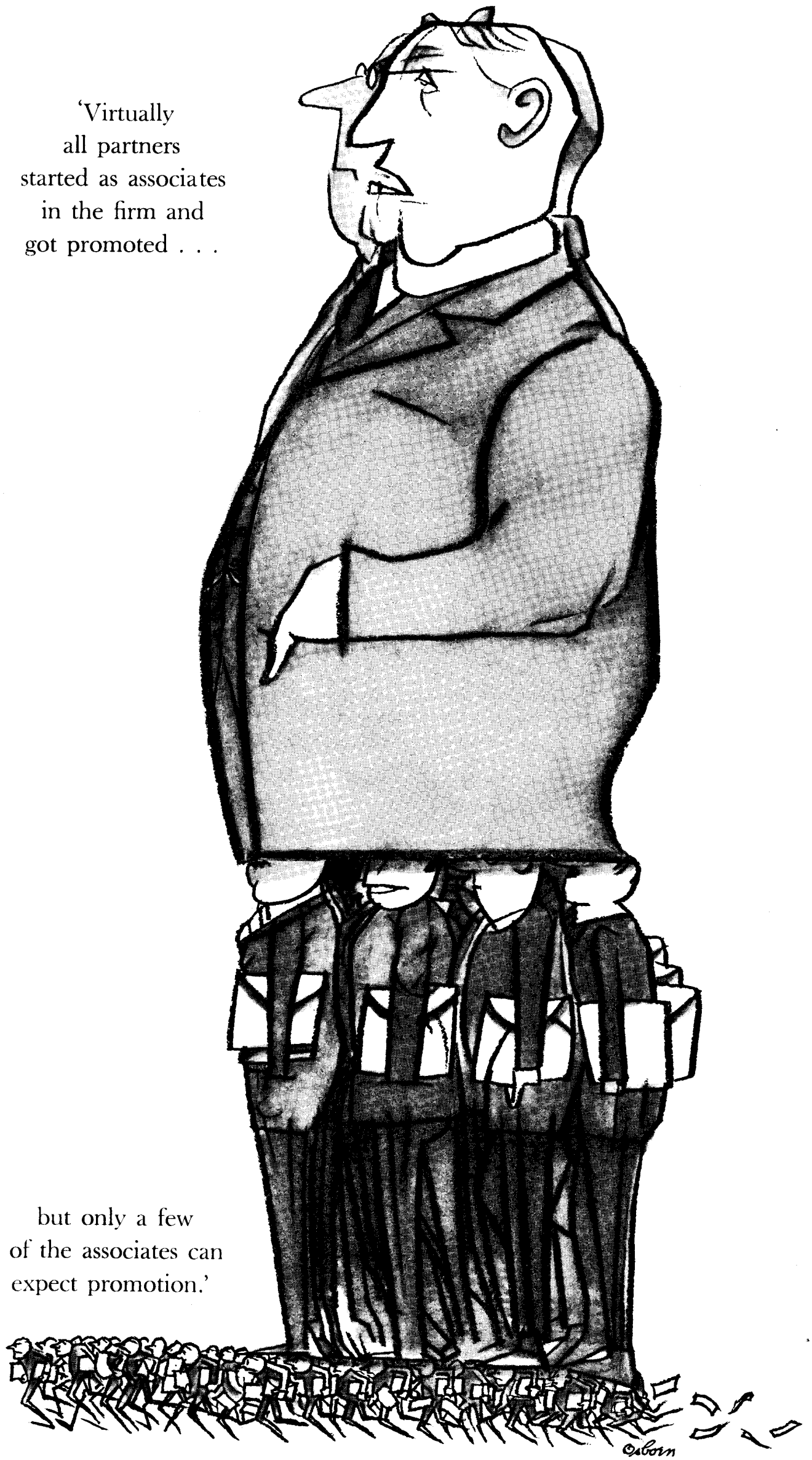
opinion of the merit of his client's cause is not important—it is for the judge or the jury, not for him, to decide whether his client is right or wrong, guilty or innocent—he is forbidden to elicit under oath statements which he knows to be false.

The rules are by no means simple, because we have an "adversary system" of law, and a lawyer is hired to do battle for his client. "If you are not a fighter by disposition," the St. Louis lawyer Lon Hacker once said, "you should hire a fighter to try your cases." Criminal lawyers protect themselves against knowledge of their client's guilt by never asking the client whether he did it (the approved question is: "What do they have on you?"). There *are* rules, though, and for practical reasons as well as reasons of pride most lawyers are scrupulous about them. But anyone who has spent any time sitting around American courtrooms knows beyond doubt that subornation of perjury has become routine behavior for distressingly large numbers of American trial lawyers. It must be said that the complaint is not new; 55 years ago Francis L. Wellman of the New York bar wrote that "perjury is decidedly on the increase, and at the present time scarcely a trial is conducted in which it does not appear in a more or less flagrant form."

The great bulk of time in American courtrooms today is spent processing personal-injury cases. New York's Jacob Fuchsberg, who was president of the National Association of Claimants' Counsel in 1964 when that organization changed its name to the more grandiloquent American Trial Lawyers Association, says that "eighty percent of all civil litigation—eighty percent of all major litigation, including criminal—is in the tort field."

The word "tort," from the French for "wrong," covers generally the things that happen to you which shouldn't happen to you, where some piece of the blame can be put on somebody else. The old English common-law notion was that losses should be left where they fall unless the party who suffered them was totally blameless and somebody else did something wrong, and this is still the law in many states—though juries rarely follow it. With the growth of insurance coverage (a major fact of modern life which the law has never found a way to recognize), the definitions of "somebody else" and "something wrong" have spread out hugely. Today an injured person can collect from anyone who has been "negligent" in maintaining his property or manufacturing his product or driving his car or not watching where he puts his big feet. This branch of the law is thus more commonly known, inside and outside the profession, as "negligence work."

With 11 million accidents in the United States every year, there is a lot of it. For every case that comes to trial at least 10 (mostly involving smaller damages) have been settled before trial but after an action was filed with a court, and at least 20 have been settled without the filing of an action. But so many are tried that in most urban and suburban jurisdictions the courts are two to five years behind in dealing with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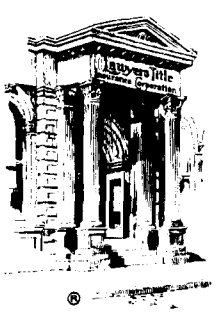

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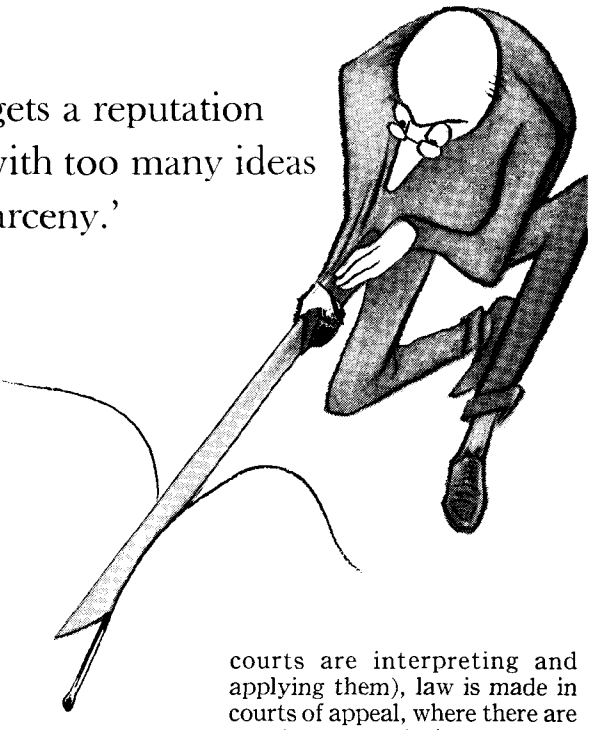

them, with the result that when the trial comes it is often a disgrace to the law.

Given the central role of the legal system in American society and the high intelligence of the profession, problems that persist are inevitably hard ones. Major negligence lawyers like Fuchsberg, Harry Gair and Emile Zola Berman (all with 20-man firms almost entirely specialized in this area of law) believe that the great need is for greater emphasis on trial work in law school and on the job, though they also feel the country needs a few thousand more judges and courtrooms.

Some judges, like Chief Judge Charles Desmond of the New York Court of Appeals, believe the villain is the jury trial, which tempts lawyers to seek the introduction of extraneous evidence and to wax dramatic. A jury trial places decisions as to the credibility of witnesses in the hands of people who cannot tell a dishonest witness from an honest one, and leads to wide variations in the awards given for similar injuries. Desmond feels that if judges decided such cases without a jury (as they do in England), we would get a higher quality of justice in much less time.

The insurance industry would like to see accident cases (especially automobile cases) taken out of the courts entirely and turned over to administrative panels, as on-the-job accidents were turned over to workmen's-compensation boards half a century ago. In the great majority of industrial accidents, injured workers are now entitled to compensation as a matter of right, with or without negligence on anyone's part; lawyers are not necessary, and where they are employed their fees are very tightly controlled by the compensation boards.

None of these solutions is very promising. Law schools would like to improve their teaching of trial practice, but nobody really knows how to do it. (Michigan is making the most elaborate effort, with closed-circuit, live television coverage of trials, followed by seminars at which the attorneys explain themselves to the students.) The purpose of a law school is to teach law, and apart from the statutes (which are only bare bones and worth relatively little without a thorough knowledge of how the courts are interpreting and applying them), law is made in courts of appeal, where there are no witnesses or juries.

Students are often less than enthusiastic about the emphasis on appellate cases in law school ("You're teaching me to argue with Cardozo," an Indiana University student complained to a professor, "and I'm going to be in practice before Judge So-and-So, who never *heard* of Cardozo"), but that is what the law is about as a learned profession. Law schools in their three-year programs must bring about major psychological changes in their students. They have to take young men and women who want to be liked and make them argumentative; and they have to convince the students that a world which looks reasonably simple is crawling with legal questions.

The first professional demand on the lawyer is to recognize the body of law that can be made to apply to his client's situation. "The client doesn't come into your office wearing a sign, 'I am *McPherson v. Buick*,'" says Alfred W. Gans, former editor-in-chief of *American Law Reports*. The technique is to present the student with assumed facts, and insist that he supply the law, with all his classmates listening and the professor prepared to be sarcastic about any stupidity.

New graduates are best equipped to "look up the law," to be judges' clerks (each Supreme Court Justice employs two such beginners, following a tradition established by Holmes and Brandeis) or to be assistants to lawyers preparing appeals. For trial work, most of what they have studied is irrelevant, incompetent and immaterial. At the trial level, real cases are almost never decided on points of law, as Judge Jerome Frank stressed a generation ago; they are decided on the basis of facts. The experienced man preparing an accident case will probably spend more time with medical texts than with law books—and this is not what law school can teach. About all the school can do is give its students a good grasp on the rules of evidence and a few homilies that the best trial lawyers violate all the time ("Never ask a witness a question to which you don't know the answer," "Never ask a hostile witness, 'Why?'" and so on). "Anyway," says

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Emile Zola Berman, "this stuff doesn't come out of books."

Nor does the workmen's-compensation analogy provide a satisfactory way out. Though it is distasteful to contemplate a jury debating the cash value of a lost eye to a 16-year-old girl, it is positively disgusting to contemplate such items of human agony in the hands of a board of bureaucrats armed with lists of fixed prices for every injury—and low prices, at that. Whatever injustices may be done by juries, at least they consider the individual circumstance, while administrative agencies simply find pigeonholes.

Even Chief Judge Desmond's idea of keeping the trial but eliminating the jury rests on highly debatable premises. Though most judges are conscientious ("A good judge," says a Massachusetts lawyer, "will pay attention even though he's bored"), the fact is that the experience of a trial grips a jury much more tightly. A smooth-talking lawyer and witness may be able to deceive the "ordinary people" of a jury more easily than they can hoodwink a judge, but the mixture of 12 sets of prejudices and perceptions can be wiser than the attitudes of a single man. If juries make extravagant awards, judges in most states and in the federal courts already have the power to scale them down.

Nobody has been able to prove that the jury system is responsible for the waiting lists on the calendar. In their classic study, *Delay in the Courts*, a team of University of Chicago sociologists and law-school professors estimated that trials without juries in New York were about 40 percent shorter—but added that New Jersey seemed to get 20 percent more working hours per judge than New York did. Bad organization wastes the time of lawyers who adjourn cases in one courtroom only to sit waiting for hours, with their impatient witnesses, outside another courtroom where a judge or a clerk guessed wrong or carelessly about when a case would be called. Whenever several courts are situated in the same building, the hardest-working judge will be found to handle three or four times as many cases as the—well, laziest judge. "A judge," Philadelphia's Curtis Bok, himself a judge, wrote, "is a member of the bar who once knew a governor." Indeed, the situation can be worse than that in the 38 states where judges are elected through the normal political process, running at the bottom of a ticket which has more glamorous figures up top.

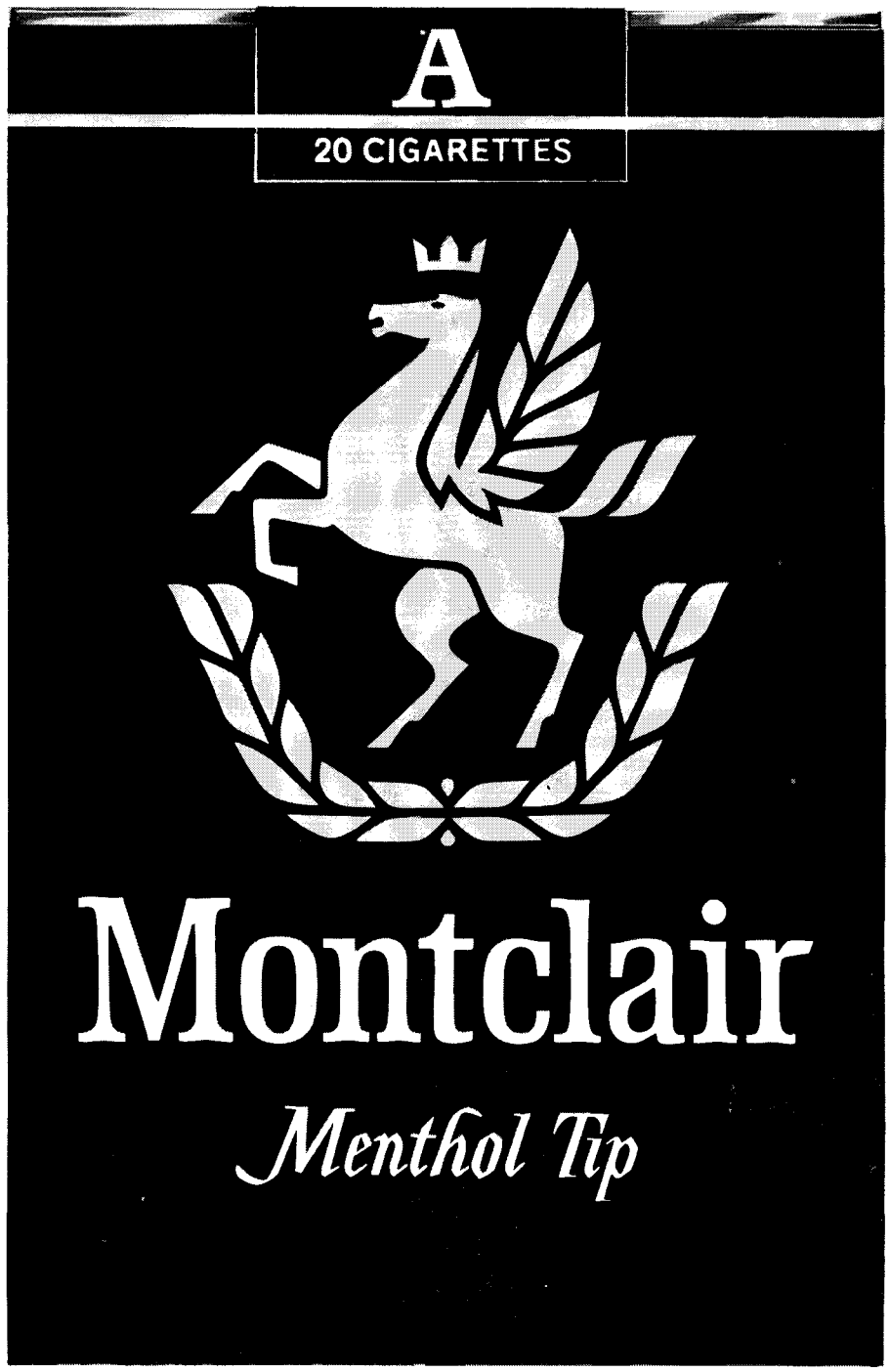
Many lawyers have an uneasy feeling about the run-of-the-mine state judge. "The Bar Association gives him a test," says the head of a big-city legal-aid bureau. "They put a hatchet, a gavel and a shotgun on a desk, and ask him to pick which one he'd use if he became a judge. If he takes the gavel, he's approved." In New York City they still tell the story of a judge in a criminal court who used one particular lawyer as his bagman. Anyone prepared to pay for favors would hire this lawyer. After the client was convicted, the lawyer would get up and say, "Your Honor, I know a hundred reasons why this man should not go to jail"; and the judge would snap back fiercely, "In a case of this gravity, I will need *five* hundred reasons."

Corruption of this sort is extremely rare today, but political patronage is not, and the courts command more patronage than most people realize. They appoint referees, trustees in bankruptcy and, especially, attorneys to look after the interests of minors who are beneficiaries under a will. And in all such cases they determine how large a fee the lawyer shall receive. Often these fees are not published, and while they must be a matter of public record, they are hard to uncover. Many lawyers find the political atmosphere of a state courtroom so oppressive that they will try whenever possible to "manufacture" a diversity jurisdiction that will move their case to the federal court. Philadelphia lawyers grew especially good at this gambit, and the 1963 meeting of the American Law Institute devoted an entire morning to discussing a change in the federal code which would keep Pennsylvanians in their own courts. A spokesman for the Philadelphia group protested bitterly, first on technical grounds and then with the blunt statement, "We get a better brand of justice in the federal courts."

Much of this is just griping—blaming the judge is always the easy way out for the lawyer who has just lost a case. ("I know how that wig stays on his head," said a Maine lawyer a generation ago, when Maine judges followed the English fashion. "It's nailed on.") Judges are a proud and solitary lot, who eat their lunches alone or with other judges because they can't publicly mix with practicing lawyers, and who usually watch their choice of friends for the evening. Even in states where an election campaign may cost more than a year's salary (and a year's salary is often less than $15,000), pride of office keeps men honest. But the quality is often (by no means always) questionable. Samuel I. Rosenman, Franklin Roosevelt's assistant and companion, now president of the New York City bar association, said recently: "Let us face this sad fact: that in many—in far too many—instances, the benches of our courts in the United States are occupied by mediocrities, men of small talent, undistinguished in performance, technically deficient and inept."

The problem can be overstressed. "It's true some of the state court judges aren't the brightest people in the world," says Professor Soia Mentschikoff of the University of Chicago Law School. "Why should they be?" Temperament and the ability to listen are more important; judges are not supposed to know everything. One of the most telling criticisms ever made of Justice Holmes was the comment, "That fellow is always deciding cases on points that were not raised in the briefs of either side." The essence of the system is that the judge normally relies on the legal arguments made by the lawyers ("Do you have some law for me on that?"), not on his own learning—just as the jury is supposed to draw its conclusions of fact solely on the basis of the evidence offered in court, not on "common sense."

A brilliant judge, particularly if he used to be a trial lawyer himself, can



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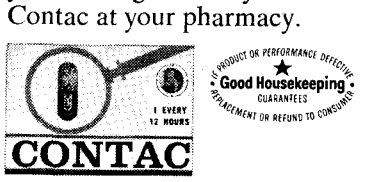
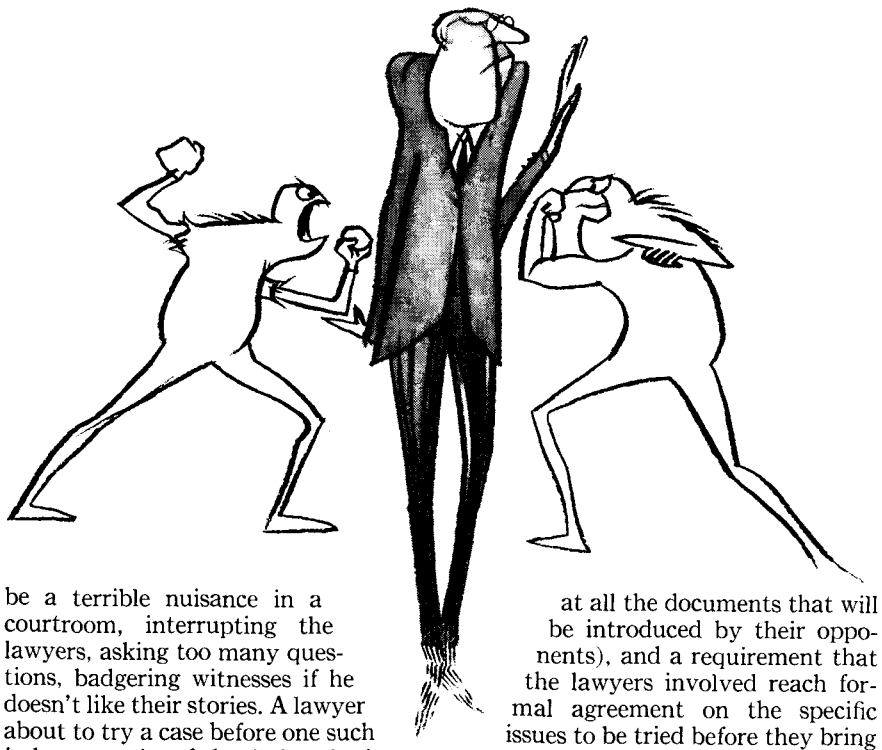


'This doing of something about disputes, doing it reasonably, is the business of the law.'



be a terrible nuisance in a courtroom, interrupting the lawyers, asking too many questions, badgering witnesses if he doesn't like their stories. A lawyer about to try a case before one such judge on the federal bench in Massachusetts said as he headed toward the courtroom, "I'd like to open with a statement to the bench: 'Your Honor, I hereby stipulate that you know more law than I do, that you are more conscious of the implications of this action than I am, that you are better acquainted than I with the customs of my client's industry, and indeed that you understand his cause better than I do. Now will you please permit me to earn my living?' But of course I'll never have the nerve." An old story tells of the lawyer whose witnesses were constantly being taken out of his hands by an impatient judge, and who grew alarmed at the judge's line of questioning. "Your Honor," he said, "I have no objection to your trying my case for me—but for God's sake don't *lose* it!"

The situation is improving, at least a little. A judge is still a king (some lawyers would say a tyrant) in his own courtroom, but in most city and big-county jurisdictions he is now subject to overall supervision by a presiding judge, who may even have administrative assistants. Pressure from bar associations, the League of Women Voters and the newspapers have made both governors and political parties a little more careful about their choice of candidates for judicial office (though the Kennedy family felt no hesitation about recommending a Francis X. Morrissey for the powers and prestige of a federal judge even when the American Bar Association described him as "lacking in intellectual capacity, scholarship and legal knowledge").

While the standard of work by trial lawyers remains low, the waste of court time has been much diminished by recent judicial insistence on examinations before trial (in which lawyers find out what the witnesses on both sides are going to say), "discovery" proceedings (in which lawyers get a chance to look at all the documents that will be introduced by their opponents), and a requirement that the lawyers involved reach formal agreement on the specific issues to be tried before they bring their cases into the courtroom. "There was a time," an Iowa lawyer says rather wistfully, "when a farmer would come in with a boundary dispute or some argument over an access road, you'd talk over the facts, brief the law a little, file a petition, and it was 'See you in court.' Now you've got discovery proceedings, depositions, hearings; it's much more costly. When a man comes to my office to take his neighbor to law, I hear his side of it, then tell him it will cost him three to six thousand dollars to see it through, and I say, 'Let me try to settle it.'" Of course, if the client has the six thousand dollars, there's always a temptation, and appellate courts are full of meaningless appeals. "Any lawyer who knows anything about his business," says Mark H. Woolsey, managing editor of *U.S. Law Week*, "knows that half the petitions for *certiorari* to the Supreme Court (the normal procedure for an appeal from a lower court) shouldn't be filed. The cases aren't '*cert*-worthy.' But the client wants it, or the lawyer's getting a fee. . . ."

In recent years, the pursuit of needless legal actions for the sake of a fee has been to some extent tamed—at least, lawyers are now forbidden, on pain of disbarment, to pay their clients a maintenance allowance as a means of assuring their continuing enthusiasm for the case. "Referral fees" paid by trial lawyers to the office lawyers who sent them the business must now be filed with the court in many jurisdictions. And despite all the obvious damage it does to the ethics of the legal profession and the management of the courts, the contingent fee has advantages—it does give the poor access to a higher order of legal talent than they can command in other countries, and it leads lawyers to fight constantly for ways to extend the coverage of legal protection to the victims of accidents.

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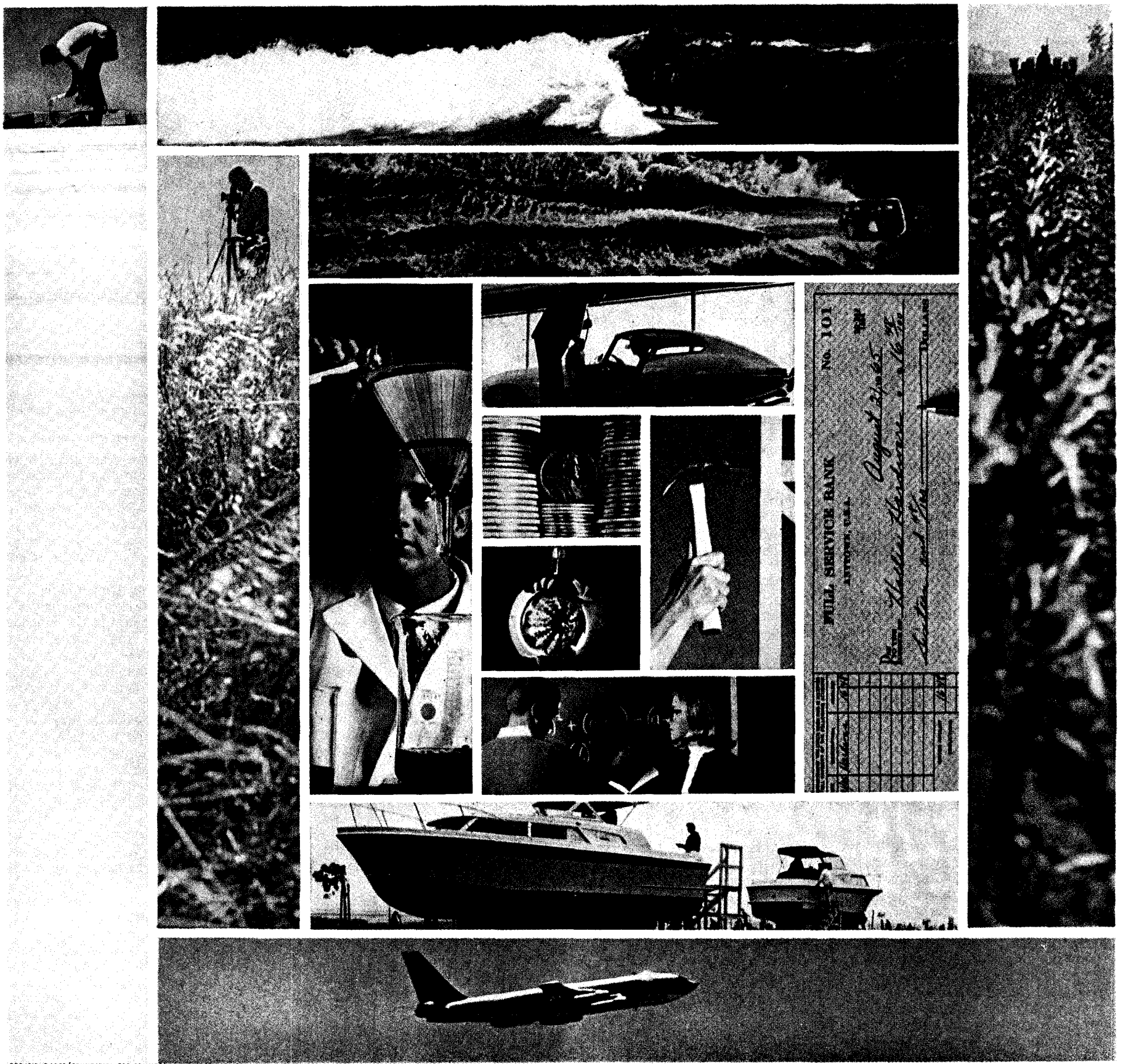

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Because negligence lawyers have fought in courts and in legislatures as men will fight when their own interests are at stake, the American consumer can now sue the manufacturer of a faulty product, the patient can sue the city hospital that gave him the wrong drugs, the airline cannot hide behind the small print on the ticket when a plane crashes. If it has made the profession less proud, the contingent fee has made society more humane—which is, after all, the ultimate moral purpose of law. The pity is that most Americans most often experience the full panoply of law only as plaintiffs or defendants, witnesses or jurors, in a personal-injury action, and thereby acquire a low opinion of the institution itself.

People can acquire an even lower opinion of the law, of course, if their only contact is with the police and with the courts at the very bottom of the hierarchy—the justice-of-the-peace establishments in the countryside and the smaller cities, the traffic courts and minor criminal courts in the big cities. Here, by and large, lawyers are not involved; and neither, usually, is law.

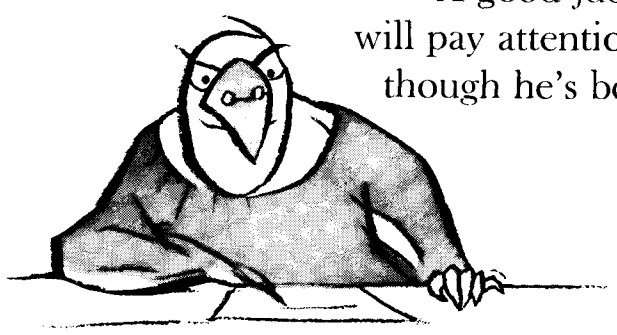
Americans inherited the J.P. system from England, where it is a fascinating legacy of the fiction which was the origin of Anglo-American law—the notion that the King had an interest in the "peace" of his kingdom and could therefore issue writs to insure the settlement of disputes which might otherwise disturb the peace. In Britain, justices of the peace are squires, men of standing and property in their community, who serve without pay by the command of the Throne. In the United States, the office is typically elective, usually salaried, sometimes (worst of all) financed by splitting the fees for service or the fines imposed between the state government and the J.P. himself. In both countries the most immediately noticeable result has been an extremely conservative bottom-level judiciary; when it comes to eviction proceedings or swooping raids by the finance company, the initials translate to "judgment for the plaintiff." In Iowa, J.P.'s get paid a fee only if the plaintiff wins.

J.P.'s also make the decision on whether the cops have enough on some poor devil to justify holding him until the next meeting of a grand jury (which may be several months away, if the arrest occurs in the late spring); and it is almost unheard-of for them to release a prisoner, or to demand less bail than the county attorney recommends.

Few J.P.'s are lawyers, and not many more know much about law. Only a few years ago an investigating committee from the New Mexico State Legislature found several who were actually illiterate. ("I can read all right," one said plaintively. "It's just that I can't *explain* very well.") Disturbing numbers "hold court" in the back of a gas station or in a bedroom behind a grocery store. "I remember some years ago going to find a probate judge in Santa Rosa," says Robert Emmet Clark of the University of New Mexico Law School, "and I found him washing dishes in a restaurant."

Even where people of ability and devotion undertake this part-time labor, read all the books the state sends them, attend the annual two-day courses for

'A good judge will pay attention even though he's bored.'



J.P.'s and take the trouble to drive to the Town Hall rather than fine the miscreant in the comfort of their own homes—even then, the law administered in J.P. courts is crude stuff. At a recent meeting of J.P.'s in an eastern state, called to discuss the control of juvenile delinquency, an earnest curio-shop operator described the results he had achieved by fining parents. One of the few lawyers in the group said, "I can find no authority in any statute for imposing fines on parents for this sort of offense." Another J.P., less worried about his authority, remarked cheerfully, "Oh, I collect a lot of money. . . ."

If the J.P. courts are overly personal, the minor courts in the big cities can easily become inhuman. There is too much business for them. Excluding traffic violations, court dockets show six million "criminal cases" a year, half of them for drunkenness and vagrancy (and more than 80 percent of the rest, incidentally, resulting in acquittals or dismissals). In New York City hundreds of people will be picked up every day by the police, kept for a while at a station house, then slapped into vans, thrown into bullpens behind the back wall of the courtroom, and paraded out, filthy and miserable, for the scrutiny of a judge. There is a "social court" for the bums and drunks, special "parts" devoted exclusively to prostitutes, or numbers runners, or narcotics peddlers. There are mobs on both sides of the wall of the court—behind, the pens for those newly arrested or unable to make bail; before, the prisoners on bail, often with their families, sitting in uneasy company with the police officers who are trying to put them away and who will presently shepherd them to the bar, the distracted lawyers running in and out, checking with the clerk, trying to learn when their cases will be called, handling a dozen items at once, planning a little last-minute negotiation with the Assistant D.A., a bit of quiet converse before the bench when the case is called.

Even here, in these most wretched of courts, an experienced and civilized judge, like the late Judge W. McKay Skillman of Detroit, can squeeze moments of decency from the proceedings. Skillman, who had handled such cases for 38 years (longer than anyone else in the country) would work through a long overnight line of prostitutes and fighters and drunks (two categories: "staggering drunk" or "down and out"). As each member of the line came forward, a probation officer handed the judge a yellow sheet (or two) with the prisoner's previous record. To either side of the judge, on the dais, stood neat young men, representatives of the Salvation Army and Christian Enterprise, who had talked with the prisoners before the opening of court, and were prepared to take those who would rather sober up in an atmosphere of charity than dry out in the hoosegow.

Where wives had called the cops on their husbands, Skillman sent the couples to the back of the room to talk it over and see if they really wanted to involve the majesty of the law. Where prostitutes had been trapped by policemen, he explored the extent to which they had been soliciting and the places involved (cooperating with the city in its policy of keeping certain neighborhoods clean); if there was a cabbie who had taken the plainclothesman to the lady, and could lose his hack license on conviction, the judge wanted a lot of detail. One old drunk stoutly denied he had been drinking:

"I had an asthma attack."

"What about six days ago? Were you here six days ago?"

"Yes, sir. I was drunk."

"January 27th?"

"I was drunk that time."

"But this time it was asthma?"

"Yes, sir. Sometimes it comes over me, I get sick."

"In other words, you don't want to go to jail right now?"

"Yes, sir."

"All right; you're Not Guilty. But don't let me see you here tomorrow."

Another defendant, caught with policy slips:

"You have a job?"

"Two jobs—a laundry and a car wash."

"With policy running, that makes three jobs."

The policeman added, "Counting moonshine, four."

Skillman asked, "He had moonshine?"

"Quart."

"Fifty dollars!"

There was almost never a jail sentence in Skillman's court when a man had a job.

Skillman was furious at what modern society had done to the bums; he detested the urban-renewal projects which have destroyed the only places where derelicts can live, and his pet hate was the automatic pin-setting machine which has made it impossible for a beaten man to earn the price of a meal by working at a bowling alley. He had little affection for the laws against prostitution. Orison Marden, former president of the National Legal Aid and Defender Association (and in private practice a senior partner in the Wall Street firm of White & Case), says that "you've got to be a pretty sympathetic human being to hold down a magistrate's job for any length of time." Still, the law is the law, and Judge Skillman, like others, would sentence to $10 or 10 days, knowing that a penniless man will have to serve the 10 days; he would convict the starving man who stole a box of cookies from the A&P, would take the word of the cop over that of the prostitute. As John F. Kennedy once argued, "Life is unfair"; and the trial judges have been around too long to believe that they can, as judges, do much about it.

For the courts deal routinely with Law, and only occasionally with Justice. People are always and unnecessarily confusing these two terms, the one a set of predictions that can be made to come true, the other a moral and political abstraction. When "talking about justice," Benjamin Cardozo wrote with his typical sweet acidity, "the quality we have in mind is charity."

In fact, as the Bostonian Charles P. Curtis once wrote, "When you hear a lawyer appealing to the justice of his cause, it's a pretty good guess that the law . . . is against him." In the same book (*Law as Large as Life*), Curtis repeated a story that had been told to him by Judge Learned Hand about a conversation between Hand and Justice Holmes just before one of the meetings at which the Supreme Court discussed the disposition of pending motions and cases: "I wanted to provoke a response, so as he walked off I said to him, 'Well, sir, good-bye. Do justice!' He turned quite sharply and he said, 'Come here, come here.' I answered, 'Oh, I know, I know.' He replied, 'That is not my job. My job is to play the game according to the rules.'"

And the game is such that many of

'A judge is a member of the bar who once knew a governor.'

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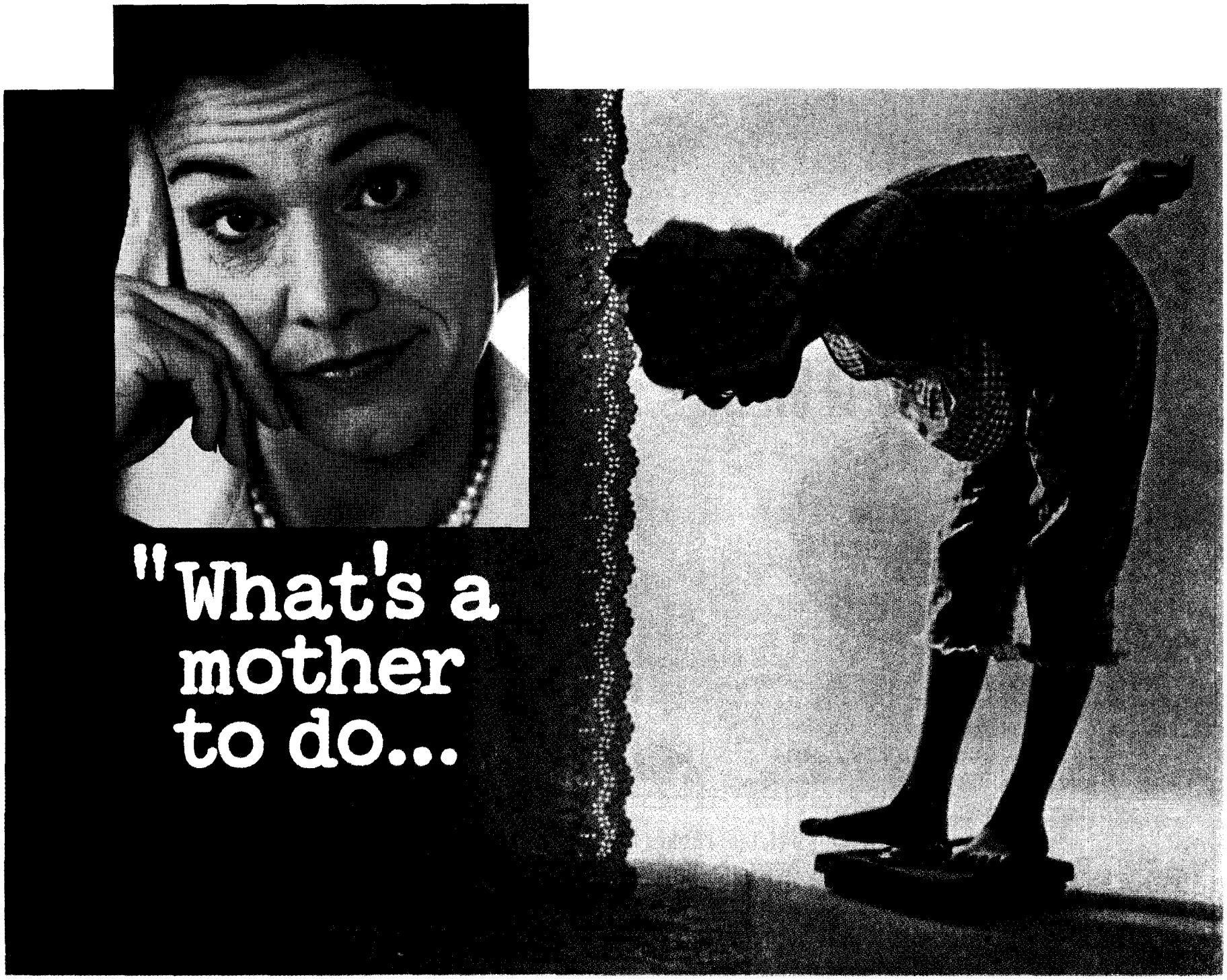

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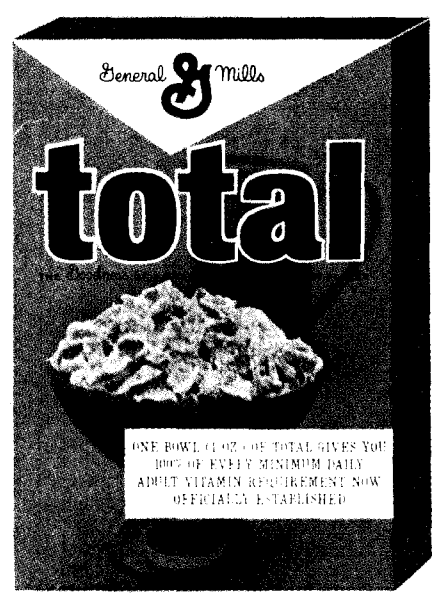
Enjoy "total" every day.
Feel vitamin-safe all day.



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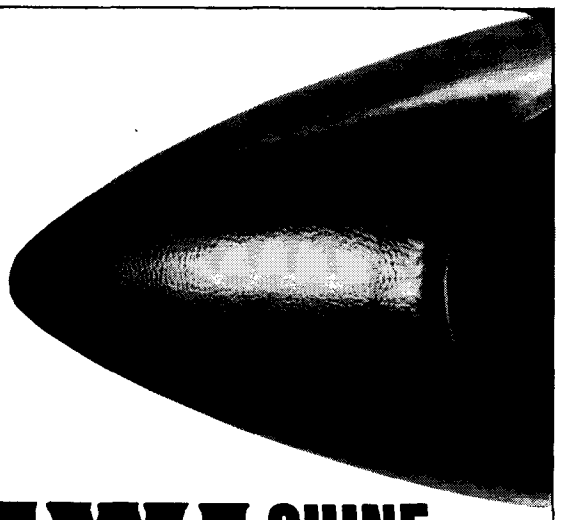
IT'S QUICK! IT'S EASY! IT'S A KIWI SHINE



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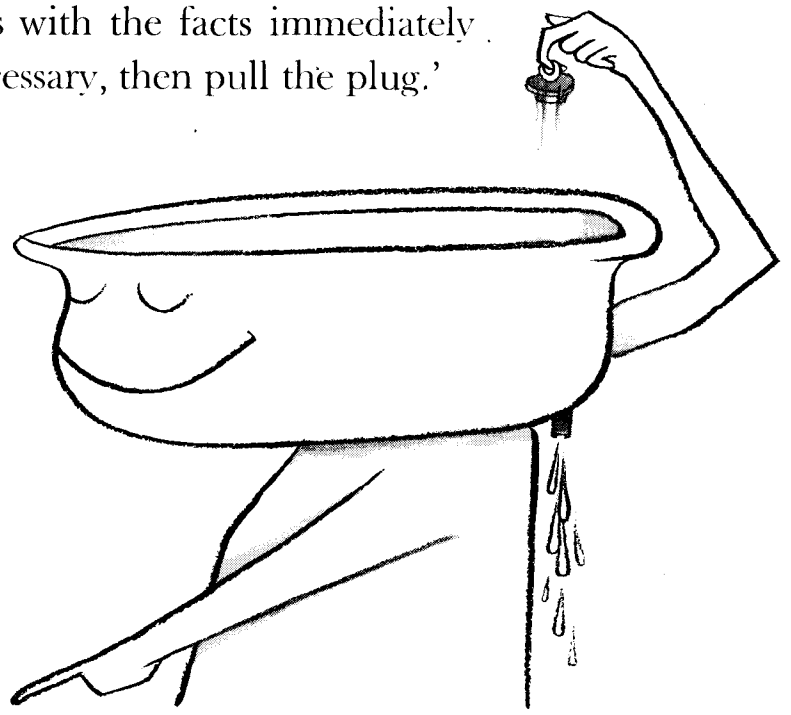
'They can fill their heads with the facts immediately necessary, then pull the plug.'



the rules must be morally neutral. Take, for example, the classic question of contract law—the offer to sell made by mail on Monday and delivered to the buyer on Wednesday, and accepted by him in a letter mailed later that Wednesday but not delivered to the seller until Friday. On Thursday the seller changes his mind, and sends a telegram revoking the offer. Has a sale been made? In such situations, it is far less important that justice be done for each case than that the rule be firm, so people can rely on it in their dealings with each other. (In the example above, there *is* a contract.)

Some rules are morally neutral when first made, but acquire connotations of right-and-wrong once they are established. Sir Frederick Pollock, who lived in England but did a lot of traveling, used as his example the question of whether vehicles should drive on the left or the right side of the road. Once a society has decided on one side, it becomes morally wrong to career along on the other. Law creates morality, and so does custom. Nobody criticizes a doctor for charging friends less than he would charge people he doesn't know, or a clergyman for varying his price for performing a marriage—indeed, such differential pricings are often considered praiseworthy. But if a shoe manufacturer sells the same shoes to two competing department stores for two different prices, he probably breaks the law and does something almost universally considered "unjust"—even when the buyer for one of the department stores is his kid brother.

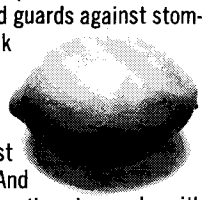
And there are cases still where the law goes counter to most people's sense of morality and justice. In New York it is the law that a motorist who is still in the intersection when the light turns red cannot recover damages if he is hit by a drunken driver who has been busting red lights all down the street but happens to have this one with him. Nearly everywhere there is no way out except charity or a lawsuit of his own for the person who has bought a defective product on the installment plan: his contract has been sold to a bank or a finance company, and he owes the money to the bank or finance company even if the car won't run or the freezer won't freeze. Divorce laws are riddled with injustice, and their administration compounds their immorality. In Iowa, for example, a couple that wants a divorce can get it easily—any allegation of minor cruelties, if not contested by the other party, will ride right through the courts. But the Iowa courts almost never grant a divorce if the grounds are contested, which means that one spouse (often enough the guilty one) can hold up the other unmercifully, exacting any price for consent.

Things used to be worse, of course. As recently as 50 years ago, in many jurisdictions, it was dangerous to cripple a man, because he might sue you—but it was perfectly safe to kill him accidentally, because the courts would not hear a case brought in behalf of his survivors. On the authority of the British House of Lords, a man injured on the job in America by the carelessness of another worker could not in 1900 sue his boss—he and the man who injured him were "fellow servants," and the employer had nothing to do with it. Anyway, he had "assumed the risk" of his employment.

Legal Aid Societies were founded originally to do something about the sharks who took immigrants off the boats, promised them wages, worked them a week and then refused to pay anything. In those days, within the memories of living men, just the court costs of filing a suit were greater than an unskilled worker's week's pay, and most Legal Aid offices thought they were doing fine if the costs of their cases were not too much greater than the recoveries for their clients.

Up to the time of the First World War, a man who cracked up in his brand-new car because the brakes didn't work had nobody to sue: his only contract was with the dealer, the dealer's obligation was merely to use

Take aspirin with a baking soda chaser. It speeds the action of aspirin and guards against stomach upset. Drink plenty of liquids. A baking soda-lemon juice fizz is one of the best liquid remedies. And if you have a sore throat, gargle with soda and water for soothing relief. To feed a cold (and starve a fever), you need Arm & Hammer Baking Soda. Now in moisture-resistant box that still sells for pennies.



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Shrinks Hemorrhoids New Way Without Surgery

STOPS ITCH — RELIEVES PAIN

For the first time science has found a new healing substance with the astonishing ability to shrink hemorrhoids and to relieve pain – without surgery.

In case after case, while gently relieving pain, actual reduction (shrinkage) took place.

Most amazing of all – results were so thorough that sufferers made astonishing statements like "Piles have ceased to be a problem!"

The secret is a new healing substance (Bio-Dyne®) – discovery of a world-famous research institute.

This substance is now available in *suppository* or *ointment form* under the name *Preparation H®*. Ask for it at all drug counters.

Psoriasis sufferers

regain more normal looking skin!

Whenever scales, redness, and itch of psoriasis occur, don't let them embarrass you — there is new hope. Medically-proven Mazon helps remove crusty scales without painful irritation, relieve itch and soreness fast; fades telltale redness, helps check formation of new scales! Mazon's vanishing cream formula is pleasant to use, disappears as you rub to help you regain smoother, more normal-looking skin. Tried, proven Mazon is only $1.25 at all drugstores, without prescription. Satisfaction guaranteed or money back from Thayer Labs., Metuchen, N. J.

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"reasonable care" in examining the product he sold, and the defect was almost always one that a dealer wouldn't spot as a matter of routine examination.

To eliminate some of these horrors, legislatures took the matter out of the hands of the lawyers (most remarkably and significantly, the matter of suing for unpaid wages: The legislatures have made it a crime not to pay wages, and put the lawsuit problems in the hands of government officials). In other areas, humane judges wrote new law (most notably, to protect the person injured by the defective automobile or the poisonous canned goods, which were made a matter of manufacturer's liability overnight in 1916 by Justice Benjamin Cardozo, then of the New York State Court of Appeals, in his landmark decision).

Most people, including lawyers, hate what looks to them like injustice, often hate it so much they forget that real justice cannot always be given to both sides of a dispute. And it is probably true, as the great Texas judge Joseph C. Hutcheson once argued, that judges wait for a "feel" of who ought to win a case, and then find the law to back their hunch of where justice lies. An old and possibly true story tells of Chief Justice Marshall saying, "Judgment for the plaintiffs; Mr. Justice Story will furnish the authorities." Still, the law is there, and much can be said in favor of a legal system which provides a stable set of rules to help people make intelligent plans, even at the price of occasional injustice.

Justice in pure, immediately recognizable form is most often to be found at the bottom and at the very top of the American court structure. The Small Claims Courts, those triumphs of the Progressive movement at the turn of the century, bring summary justice to thousands of disputes every day. Normally there are no lawyers. Jurisdiction is usually limited to claims under $500. Fees are either nonexistent or negligible—the television repairman who wants to collect a bill can summon the owner of the television set to court for the cost of a five-cent stamp. No record of proceedings is kept. Appeals, though possible, are almost unknown—if only because the amounts of money involved are too small to justify the expense. The judge makes his own laws of evidence for the individual case and asks most of the questions himself.

"Are you the plaintiff?"

"Yes."

"Fine. What's it all about?"

Nobody is asked to be highly articulate. In Los Angeles, for example, a big table directly below the judge's bench holds a vast collection of toys and a great game board. Plaintiffs and defendants move toy cars around toy roads, or play furniture around a doll's house, to demonstrate to the judge what they believe occurred. The judge, who has observed a lot of witnesses in his time, decides what and who he believes, and declares a winner in the fight. Then there are further decisions about execution:

"How many dependents do you have?"

"Wife and two children."

"Does your wife work?"

A nod.

"What's her net take-home?"

"Forty-five."

"What's yours?

"Sixty-five."

"Let's see—one hundred and ten. What's your rent?"

"Sixty-five."

"Payments on a car?"

"Sixty-five."

"I guess twenty-five dollars a month is all right. You pay it in here every month. . . ."

Such procedures can be abused; collection agencies, for example, often use the Small Claims Court to blackmail poor people. But at its best—when the customer has refused to take the altered suit because he says it still doesn't fit (and can be compelled to try it on in court), or when two kids go to law to find out who has to bear the charges for minor repairs to jalopies after a minor accident—these courts recall the nonlegal philosopher's age of innocence, when the law had nothing to worry about but justice.

At the summit of our judicial system is the Supreme Court of the United States. Lawyers arguing here, speaking into a microphone at a lectern, looking up to the long, dark, polished bench with nine men in swivel chairs behind it, are explaining their written briefs (and answering questions about their

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HERE'S HOW CHRYSLER CORPORATION'S 5-YEAR/50,000-MILE ENGINE AND DRIVE TRAIN WARRANTY PROTECTS YOU: CHRYSLER CORPORATION WARRANTS FOR 5 YEARS OR 50,000 MILES, WHICHEVER COMES FIRST, AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP AND WILL REPLACE OR REPAIR AT A CHRYSLER MOTORS CORPORATION AUTHORIZED DEALER'S PLACE OF BUSINESS, WITHOUT CHARGE FOR REQUIRED PARTS AND LABOR, THE ENGINE BLOCK, HEAD AND INTERNAL PARTS, INTAKE MANIFOLD, WATER PUMP, TRANSMISSION CASE AND INTERNAL PARTS (EXCLUDING MANUAL CLUTCH), TORQUE CONVERTER, DRIVE SHAFT, UNIVERSAL JOINTS, REAR AXLE AND DIFFERENTIAL, AND REAR WHEEL BEARINGS OF ITS 1966 AUTOMOBILES, PROVIDED THE OWNER HAS THE ENGINE OIL CHANGED EVERY 3 MONTHS OR 4,000 MILES, WHICHEVER COMES FIRST, THE OIL FILTER REPLACED EVERY SECOND OIL CHANGE AND THE CARBURETOR AIR FILTER CLEANED EVERY 6 MONTHS AND REPLACED EVERY 2 YEARS, AND EVERY 6 MONTHS FURNISHES TO SUCH A DEALER EVIDENCE OF PERFORMANCE OF THE REQUIRED SERVICE, AND REQUESTS THE DEALER TO CERTIFY (1) RECEIPT OF SUCH EVIDENCE AND (2) THE CAR'S THEN CURRENT MILEAGE.

The warranty is good for 5 years or 50,000 miles. The repairs or replacements it covers are made without charge—parts *and* labor. It's the longest, strongest protection ever offered by any American car manufacturer. And because the warranty is transferable from owner to owner, it can mean more money when you trade. Expert craftsmanship and advanced safety features make Chrysler Corporation cars outstanding buys. All this and the exclusive warranty. Don't settle for less!

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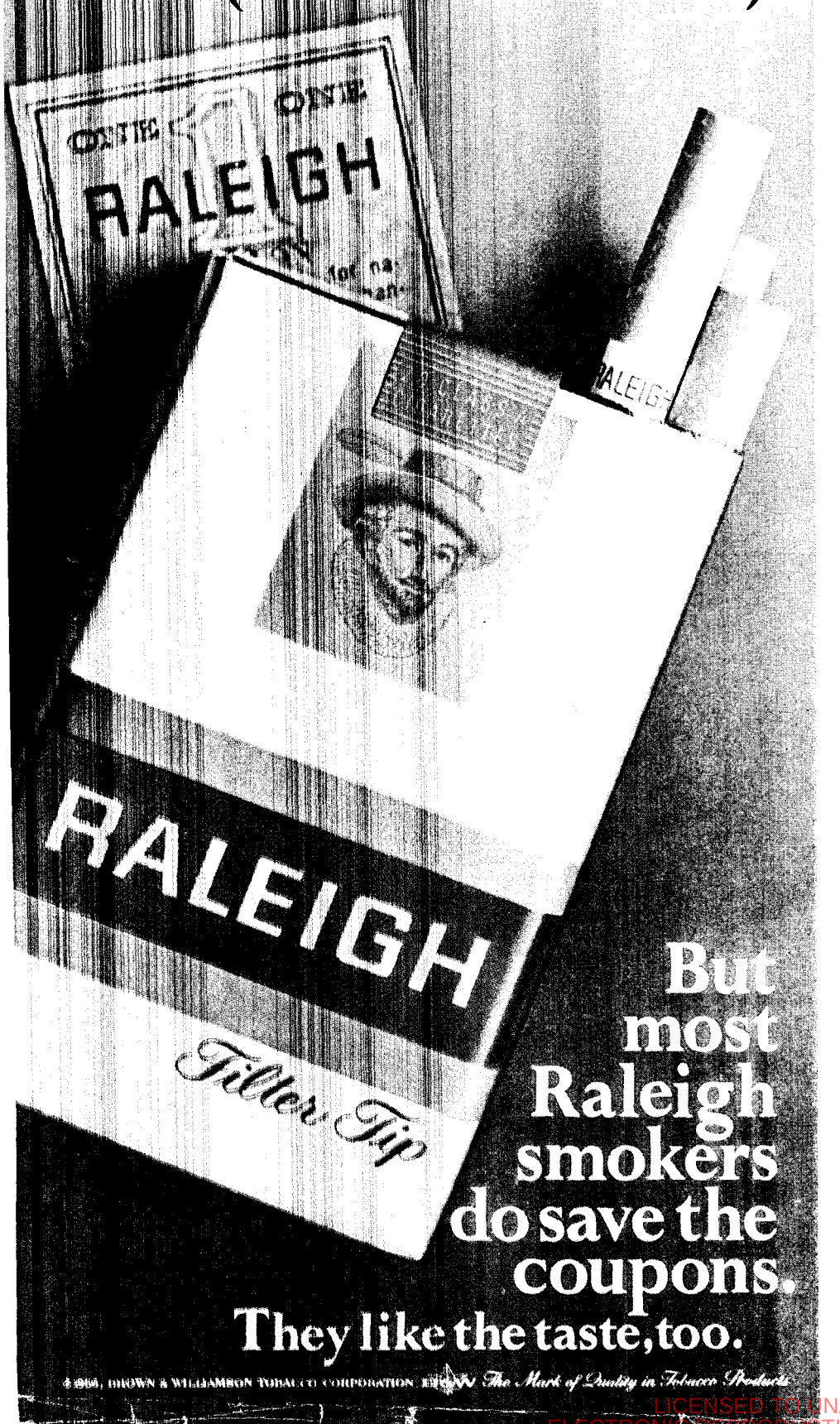
Lots of people smoke Raleigh and don't save the coupons.

They like the taste.
(..the real tobacco taste.)



But most Raleigh smokers do save the coupons.

They like the taste, too.

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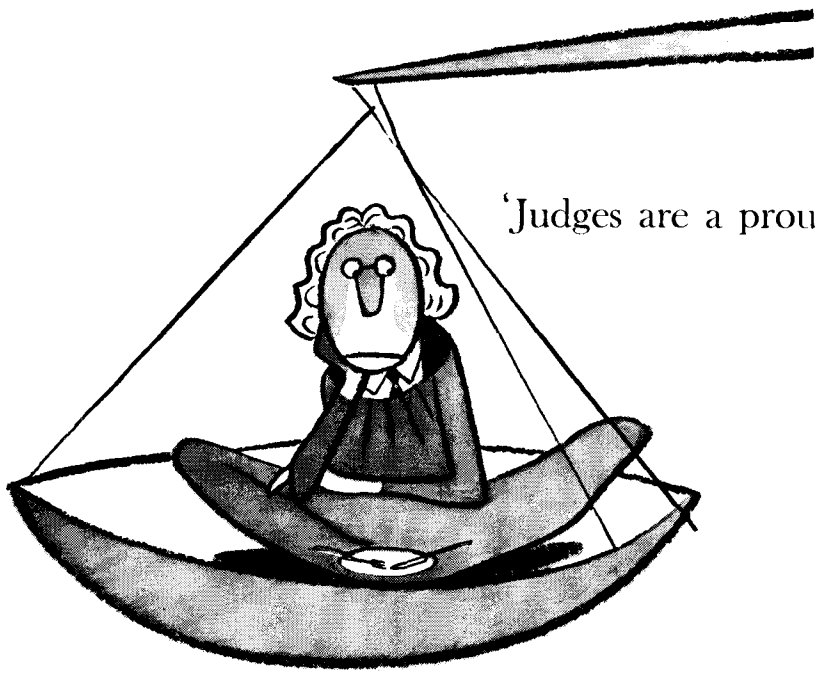

'Judges are a prou

briefs), not starting new lines of persuasion. Judgments here are final, reversible only by political action in the Congress, or by the elaborate political action of Congress and state legislatures together in amending the Constitution.

In theory, justice to the litigants is not the prime business of the Supreme Court. Chief Justice Hughes put the matter baldly a generation ago: "Before a case has come to us, the litigants have had their day in court, and an appeal. We hear them not to decide on the relative merits of their case, but in the interests of the law itself." But Chief Justice Warren's Supreme Court does not work that way at all.

A single decision day, the last one in calendar 1964, will illustrate the style. Two important cases had been pending for some time, and were decided. One concerned the fate of the thousands who had been arrested and convicted in the South for sitting-in at restaurants and lunch counters. Justice Tom Clark, speaking for the majority, ruled the convictions void on the grounds that Congress had subsequently passed the Civil Rights Act, legitimizing their protest. His argument was largely by analogy to Chief Justice Marshall's decision in 1801 in the case of the Schooner *Peggy*, an armed French merchantman which had been seized and sold in the state of Connecticut under American laws against privateering. Jefferson had directed the prize money paid back to the French under terms of a treaty which was signed after the original decision in the case, and Marshall, reversing the lower court, upheld him.

Justice Hugo Black, generally considered the most ardent defender of civil liberties on the bench, dissented with a violent attack on Clark's law. (Justices Harlan, Stewart and White also dissented in writing, but did not speak.) In a voice literally trembling with rage, Black scored the analogy to the Schooner *Peggy* and pointed out that if Congress had wished to free these appellants it could easily have made the law retroactive, which it hadn't done: "The Court judicially declares that there is no public interest to be served in upholding the conviction of these trespassers, a conclusion of policy which I had thought was only for legislative bodies to decide." (Encountered that afternoon, Felix Frankfurter, in retirement after a career blighted toward its close by attacks from libertarian critics who had once made him their hero, was asking all callers, "Do you think that now the 'liberals' will disown Black?")

Harlan in his dissent objected that the decision was a brand-new judicial invasion of state powers, that Congress had not in any way acted to repeal the trespassing statutes on which the convictions were based. "It is only judicial rhetoric," White added, "to blame this result upon Congress." Still, as the *Harvard Law Review* commented in November, 1965, "it may be quite logical to presume, in the absence of explicit statement, that the policy that Congress chose for the future is the one that it thinks should have been followed in the recent past." Behind all the legal arguments supporting Clark's opinion lay the unspoken fact (the sort of fact that legal reasoning has never found a way to use) that this bill had been hard enough to pass without deliberately raising such issues.

A few minutes after Black's attack on Clark, Chief Justice Warren skimmed the text of his own opinion in a case which has gone into the history books, to what import nobody yet knows, as *Fibreboard*. Warren told the story of a company which had stalled off negotiations with the union that represented its maintenance employees until three days before the expiration of the contract—and had then informed the union that the work was being contracted out to a third party and all the union members were out of jobs. No doubt the company had secured legal opinion that its conduct was legitimate, and indeed the National Labor Relations Board on first hearing had thrown out the complaint. The matter was legally very touchy—the courts hate to interfere with such ownership prerogatives as the decision that a job can be done more cheaply by an outside contractor than by the inside work force.

Warren, his massive head shaking as he spoke, summarized the facts in his earnest, rather heavy way; and what he was saying, really, was, "They shouldn't have done this." As he neared the decision itself, his tone changed to "They shouldn't be *allowed* to do this."

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...nd solitary lot, who generally eat their lunches alone.'

And when he came to the end, what he was saying was, "Dammit, they're *not* allowed to do this." The union members were reinstated, with back pay.

Because the decision was so specific (limited to the question of what should be done in this particularly raw situation), the question of what other companies would and would not be allowed to do in the future was left completely in the air. In the year since, the NLRB has cited *Fibreboard* to order that a company must bargain with its union before it can sell off a factory to someone else, shut down part of a plant, reduce production and employment because orders have been cancelled. Whether *Fibreboard* really means that much is something the Court will have to decide at some later time.

Indeed, an examination of recent Supreme Court decisions often indicates (especially to the angry chief judges of the State Supreme Courts, who have to pick up the pieces) that the justices have reversed Hughes's dictum—that they regard the law as settled by the courts below them, and will now look at the facts, the human result the law has wrought, and decide whether or not the law should be changed. H. L. A. Hart of the Harvard Law School says, almost despairingly, "Today you have the highest court in the nation trying to administer a Constitution on a case-by-case basis."

A Clarence Earl Gideon is convicted of robbery in a trial where he does not have a lawyer; a Danny Escobedo confesses to a killing while his lawyer, denied access to him, sits in a police-station waiting room; the Tennessee legislature refuses to reapportion itself; someone is denied a passport without an explanation of the reasons—the court rules and the law changes, though how much the law changes will be determined only by the progress of new cases through the chain of courts. Courts, lawyers and police have become, as Attorney General Nicholas deB. Katzenbach recently complained in a letter to a federal appellate judge, "increasingly unsure of the law."

No doubt the current Justices do take a "creative" view of the law (one of them caused great offense at an informal meeting of law-school professors when he said he liked the docket for the coming term, "which gives us a chance to make some progress in the area of personal liberties"). But, as McGeorge Bundy once put it, "The fundamental function of the law is to prevent the natural unfairness of society from becoming intolerable." The lawyers' aphorism says that "hard cases make bad law"; but it is also obviously true, as John Chipman Gray pointed out 60 years ago, that bad laws make too many hard cases.

Technical defects in decisions that reach an individually just result can normally be remedied by subsequent opinions or, in most instances, by act of Congress. But nobody can ever give a man back the years he spent in jail because he was unreasonably convicted of a crime, or the years he spent in poverty because his just claim for damages was defeated on an unnecessary technicality. "The Supreme Court of the United States," as Thomas Reed Powell once said of an earlier bench, "are by no means such fools as they talk, or as the people are who think them so." Finally, and fortunately, there is a practical limit to the number of appeals the Supreme Court can hear, so that judges a little closer to the daily life of the community remain responsible for the administration of the law.

The courts, and their cousins the administrative agencies, provide an institutional frame within which the lawyer works; the tension between law and justice gives depth to the picture in the frame. At worst, the lawyer's training tells him the focal points of the picture, the central design of a legal system based on private property and on individual rights, privileges, powers and immunities. At best, alert sensitivity and careful work give the lawyer a sense of where a focus is changing, where the picture, never finished, can now be retouched again. Thus equipped, he gets his hands on a client and advises him on what he maybe can and maybe can't do.

The client has an adversary, public or private, real or potential; and the adversary has a lawyer. Their sense of relevancy sharpened by experience, their understanding of the opposing position sharpened by the daily need to predict what opponents will do next, the lawyers try out with each other the possibilities of compromise. At the lawyers' elbows are their clients, each increasingly convinced of the essential fairness of his own claims and positions as he hears his lawyer speak them, even if it was originally agreed that some of them were to be put forward only as bargaining counters.

What is the case worth?

Would a jury convict?

Is this the sort of thing they really want to take to the tax court?

How badly does he want that divorce?

Can we afford just to let the deal go?

The courts, the agencies and the law are always in the background, an expensive last resort, like a strike at the end of a labor negotiation.

"The hardest thing," says a Wall Street lawyer, "is to know when you've won. I've physically pulled clients out of conference rooms because we'd just gained the only point that really mattered to us and I had to be sure he didn't give it back."

"There is no law," says a small-city lawyer. "There's just me, and the lawyer on the other side. And sometimes there's a judge." □

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Post scripts

"*Then you think we've been too indulgent with him?*"

"*Actually, I pictured a much younger man.*"

"*Do I have to kiss him every morning?*"

"*Would you think the less of me if I tried to negotiate a settlement?*"

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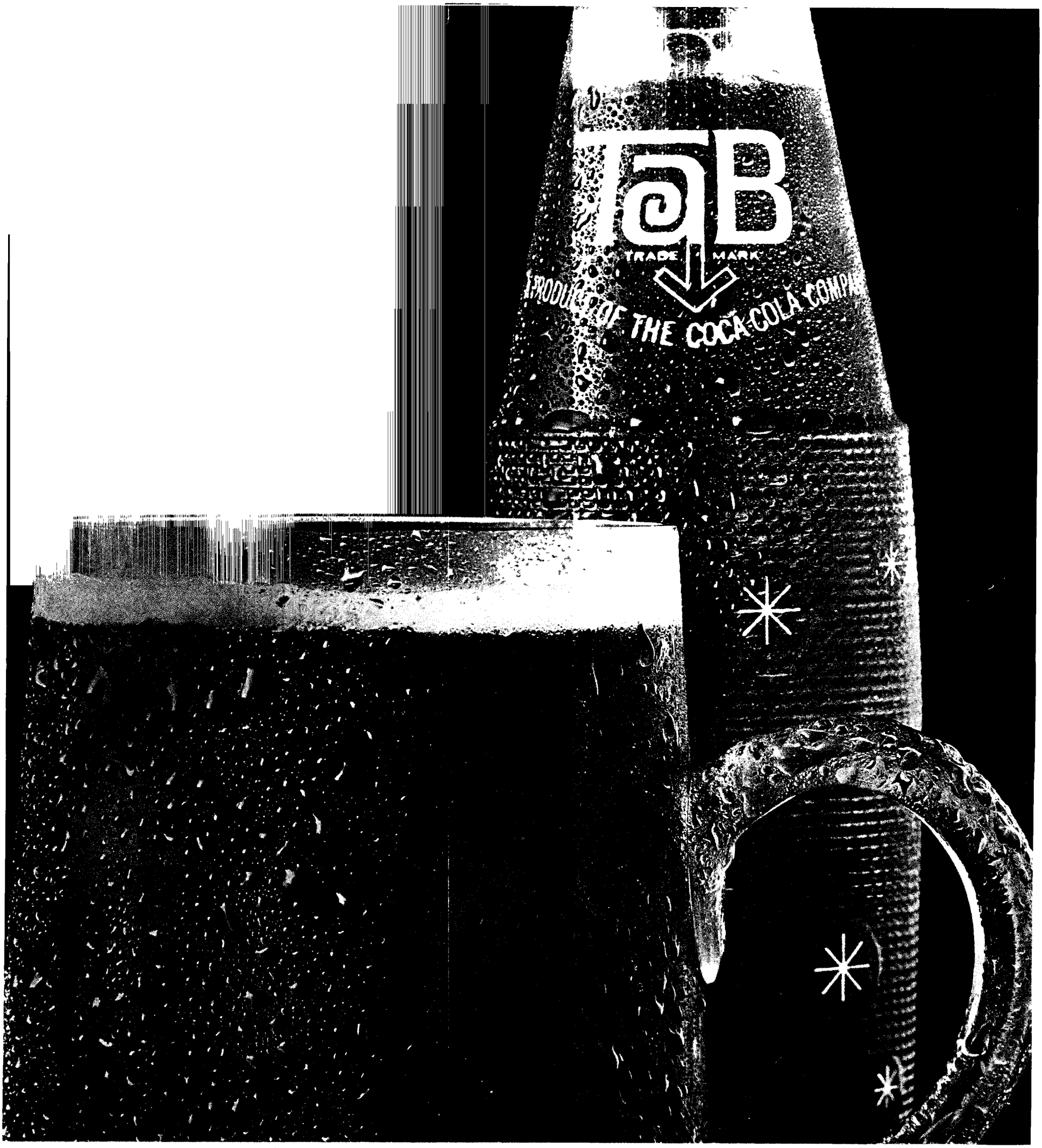

1 crazy calorie.

Unsticky. Unstuffy. Uninhibited. The Now Taste of Tab. Not so sweet.
With 1 crazy calorie in 6 ounces. It's what's helping so many people to keep slim and trim.
Tab. That's what's happening. To the nicest shapes around.

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MY FATHER'S WIFE

By Frank O'Connor

A noted Irish novelist recalls how his mother, torn between an assertive son and a headstrong husband, remained impartial until the final day.

When I got the job of librarian in County Cork, I found myself earning a salary of a thousand dollars a year. This was more money than anyone else in Harrington's Square—our neighborhood in Cork—had ever earned. Indeed, I suspect that my father's imagination refused to grasp it at all, and it only worried him. It even worried myself at times, because I had a great deal more in common with Father than I liked to admit, but Mother, with her sanguine temperament, knew it was God's will and a very proper reward for my years of hardship, so she rented a gas stove in order to cook in comfort, and had gas installed in the little front room, so that I could write without straining my eyes.

To furnish the room, she bought a secondhand carpet, a round table that was a little unsound on its one leg, two dining-room chairs and an armchair. I bought myself a Morris chair, a secondhand typewriter for seven pounds, a print of the Degas dancers, a Gramophone and a few Beethoven records, and got the carpenter to make me a fitted bookcase that took up one wall. I also bought myself a black suit to go with the green shirts and the black bow tie. "We writers, ma'am ——" as Disraeli said to Queen Victoria.

Anyone with a glimmer of worldly wisdom would have thought of buying a comfortable modern house with a bathroom, and I must have had some glimmerings of the fact, because Father and I argued over it for years. He was an emotionally generous man, and he didn't hold it against me that I hadn't—apparently at least—turned into the liability he had anticipated; among his old comrades it flattered his vanity to have me in a pensionable public job with my name in the newspapers, and he came to see the real advantages of the gas stove and the aluminum kettle.

Still I suspect he was never without a secret feeling that there was something illusory about my new prosperity, something that lacked the fundamental security of his own two military pensions and the reliable old iron kettle. So he advised caution. *If* I had a little bit of money over and above—as between grown men he understood that we couldn't really admit anything of the kind, or people would start borrowing from us—the thing to do was to put it in the bank. And seeing how difficult I found it to dispose of money in any practical way, the bit of me that was Father inclined to the same view.

Besides, he would add with great resignation, one of these days I should be wanting a home of my own. An old friend whose son had become a famous boxer had immediately bought his parents a fine house in the suburbs. Father and the boxer's father met occasionally after Mass and went for long walks together, and they always ended up outside his old friend's house in the poorer part of town, where the old man had lived when he was poor and innocent and happy, and his friend would sigh, "God, Mick, I'd hate the boy to know it, but I've never had a day's happiness in that other bloody misfortunate hole." All my small talent for drama must come from Father, for he could tell that story so as to move me to compassion for unfortunate fathers whose well-meaning sons condemned them to a hell of indoor lavatories and respectable neighbors.

Anyway, Father's fears of moving went deeper than that—much, much deeper—and if I could plumb them, I could reveal every detail of his character and much of my own. It wasn't his own house; he had to pay four and sixpence a week in rent; but he identified himself completely with it and would have died for it if necessary. He was plagued by children playing ball outside his gate and would stand in ambush literally for an hour behind the lace curtains of the front room, spying on them, while mother sat in the kitchen reading. "Min!" he would whisper in a tone of high tragedy.

"Wisha, what is it now?" Mother would call back.

"It's that little pup of the Horgans again!"

"Ah, wouldn't you forget them and read your paper?" Mother would ask in a complaining tone.

"How can I read my paper?" Father would retort. "My goodness, what sort of parents do them children have?"

Of course he was waiting for the supreme moment when one of them would jump over the wall from the next garden after his ball or take a swing on the squeaky gate that had only a broken latch. Then he would shout, rush to the front door, fling it open and glower and mutter at the children, who would run madly to the top and bottom of the square and stand there, staring at him or even shouting rude comments. After a couple of minutes of outraged dignity he would stamp back slowly to the kitchen, brooding on the cat-o'-nine-tails and other neglected forms of military discipline.

So I couldn't have a house, but I was determined that at least I should rent a cottage by the sea for a few weeks in summer as others did. Father humored me on this, and even agreed to come down and see Mother and me for a couple of days himself. Anything longer would be impossible, and even the couple of days involved the little house in something like preparations for a siege. It wasn't enough that the neighbors guaranteed to see that nobody broke into it; bolts and window fastenings had to be renewed and strengthened, and when he left the house, Father tied the gate to the gatepost with coils and coils of barbed wire.

I enjoyed having him at the cottage in Courtmacsherry because he was an

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"Father was just waiting for some nice girl to marry me so that he could have Mother in peace to himself. It seems to me to say much for us that we never came to blows over her."

even better walker than myself, though a much more perfunctory one. On a visit to the country, his trained military eye sized up the number of roads, and he liked to inspect each once, and when the inspection was completed, he felt it was time to go home. The fact that a road was attractive did not mean that he needed to inspect it a second time. The next morning he was up at six o'clock to make sure of catching the midday bus for Cork. He was a complete townie.

At last, after two years in the library, I heard rumors of a better job in Dublin. My friend, A. E. Russell, went wild and besieged a couple of government departments, assuring them that I was the only possible candidate, and whether this had anything to do with it or not, I got the job. I was fortunate in my lodgings, and Mother came on long visits and became friendly with my landlady, but I was still dissatisfied. I wanted to buy a house for the three of us on the coast, but Father exploded at the very idea of it. He had agreed to everything else, hadn't he? He had let Mother come and stay with me for as long as she liked. She could go on doing it; but live in a place like Dublin, he would not! No more would he come and stay with me for any extended period. How the hell could he, and the sort of children that were growing up nowadays who'd wreck his house the moment his back was turned?

It was all true, and I felt guilty about it and sympathized with the intolerable separations I was inflicting on the pair of them, for it would have taken six police to remove Father from his house, and more than six to prevent Mother from coming to see that I was all right. Of course, Father was an old soldier and could make himself comfortable where another man would perish, but he was even more dependent on Mother for society than I was, and I never had any difficulty in imagining what he felt like, having made one of his long pedestrian tours of the city and filling himself with what, for him, was news—how Mickie Mac was getting on without the dead sister and what new devilment poor Gauger in Barrack Street had thought up to plague the daughter-in-law—when he came home to a dark and empty house and had to light the fire and boil the kettle and then read his *Evening Echo* without a soul he could discuss it all with.

But I was as helpless against his complacency as he was against my dissatisfaction, and for a month or six weeks at a time Mother would come and stay with me in Dublin, and Minnie Connolly, the saintly old maid at the other side of the square, would trudge over to listen to Father's news and report to Mother on how he was doing, and when he wasn't "keeping too good"—her euphemism for going on the booze—Mother would get fretful and have to go home before her visit was up.

Father and I shared her rather in the way sophisticated men in my youth were supposed to share some woman while still remaining fast friends. Only in my innocence I never really believed in the stories of these friendships, and anyhow, Father and I were not in the least sophisticated. He was just waiting for some nice girl to marry me and get me out of his hair, so that he could have Mother in peace to himself for his remaining years, while I was hoping by firmness (insisting on my own share of her) and kindness (showing him the innumerable advantages of living with me) to wear him down. We were both considerate and even generous, but each of us knew that this particular doll belonged to him. It seems to me to say much for us that we never came to blows over her.

At last he agreed to come to Dublin for a few days. He was generous; it was certainly not that he had no interest in free excursions, particularly to places like Dublin, where he had been stationed as a young soldier; it was just that he wanted it made clear that these would be only excursions and would involve no liability to stay on.

He arrived in Dublin with his itinerary in his head. So far as I remember it, it was confined to four (or was it five?) military barracks and one cemetery. Each day he set off to perform it on foot, a fine-looking old six-footer, with his cap pulled down over his eyes, striding along like a boy, interested in every detail. One barracks he visited because he had been stationed there himself, another because my Uncle Tim had been stationed there, a third because some girl he had tried to pick up in O'Connell Street had said, "They're a nice lot in the Wellington Barracks"—a very ordinary remark which he had trotted out for 40-odd years as though it were a gem of wit.

On the afternoon we went to Glasnevin Cemetery, he identified the Brian Boru bar at Crossguns Bridge with a grin. On the way back he stopped outside it. "You'll have a little drink?" he asked uneasily. It was a queer thing for him to say to me, because he knew what I thought of his drinking bouts, and I might easily have been angry or rude, but there was something wistful about his tone that suggested to me that it wasn't the drink he wanted. "Very well, we will," I said, and we went in and stood at the counter. "What will you have?" he asked in a lordly way. "You'd better have a bottle of stout"—meaning that with a father as broad-minded as himself, I need keep up no pretense, and I had the impression that if I refused the stout, he would be bitterly wounded. "Stout will be fine," I said nervously. "A stout and a bottle of lemonade, miss," he said to the girl behind the counter, and then over our

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"Father was rambling mad through the countryside, looking for a public house and a drink."

drinks he talked to me pleasantly as man to man. Curiously, the conversation has gone out of my mind, but it may have been then that he broke the news to me that he believed Mother was a good deal older than himself.

When I tried to pay, he said nonchalantly, "No, let me do this," and I realized that this, too, was part of the ritual and probably rehearsed for days before. He returned home that evening, full of high spirits. He didn't, of course, tell Mother about our little adventure. It was also part of the ritual that you didn't tell women about that sort of thing. It was a warm day, and The Boy was thirsty, and he had looked after him as a father should. Ritual is only a linking of the dead with our daily actions, but who among the dead he was trying to impress that afternoon is something I shall never know. His own father, perhaps, or someone he had drunk with there when he himself was The Boy.

Father nagged me to get hold of Mother's birth certificate. Being an orphan, she had no notion of her birthday or even of her age, which—if you pressed her—she would describe as "about sixty," leaving it open to mannerly people to say she didn't look it. But Father was convinced by something my Uncle Tim had let drop long ago—no doubt in his well-meaning effort to keep Mother and Father apart—that Mother was 70 and sacrificing a perfectly good pension of 10 shillings a week from mere vanity.

Father had an absolute mania about pensions. He had wangled two out of the British government, one for long service and another for a nonexistent disability, and he was looking forward to doing a bit of wangling on the Irish government as well—he wouldn't get the full 10 shillings, of course, but every little helped. It was the nearest thing he knew to an independent income and the status of a gentleman, and there was much in his attitude to remind you of a retired businessman and his securities. After all, here he was in his 60's and could make his daily tours of new building sites and talk patronizingly to laborers, who would never be able to do the same, but work till they dropped and died in the poorhouse. And, as with the retired businessman, there was something ambivalent about Father's friendliness to the laborers. He was genuinely sorry when they had to go to the poorhouse, but he was also proud and pleased that it was they and not he who had to do it.

He had done his best to implant the same principles in Mother, and he simply could not understand that no good-looking woman, however intelligent, wants to be 70 for the sake of 10 shillings a week. But, like any good wife, she wanted to keep him happy, and represented his crazy notions to me as persuasively as she could. Finally I went to the Custom House and wasted time searching for the entry of her birth where I felt it ought to be until I found it more or less where Father said it ought to be—70 years back, all but a month or so. I was slightly shocked and very sad, because I had never thought her old at all, but she didn't seem to let it worry her. "Your poor Dad will be so pleased," she said thoughtfully, evoking a very clear picture of Father's boyish pride and the excitement with which he would report it to the family and friends.

She was staying with me for her birthday, and I brought home a small bottle of champagne. I should have had more sense. After supper I went for my usual walk, and when she heard my key in the door, she rushed to the kitchen door to greet me, tripped and crashed down the seven or eight steps to the door on the stairs. When I tried to raise her, she moaned, and I realized she was badly hurt. Our doctor friend, Richard Hayes, came at once and spent nearly half an hour in the bedroom with her. I waited in the hall, and when he came out, I saw from his look that he had no hope. He put his arm about me and drew me into the front room, shutting the door behind him.

"It's easier for you to hear this from me than from someone else," he said gently. "I'm afraid she isn't going to live. Her shoulder and pelvis are broken in a couple of places, and I've never known an elderly person who survived it. Even if she did, she'd never walk again. All the same, I'd be happier if we could get a specialist to see her. Charlie Macaulay was very attached to his own mother. It's late, but if I could catch him, he might come."

Macaulay agreed to come, and Hayes stayed on. "It's extraordinary," he said. "Do you realize that that woman has had chronic appendicitis since she was a girl, and never even told a doctor about it?"

Macaulay, like Hayes, doubted that she could live, but thought it better to take no chances, so about midnight the ambulance took her to a nursing home in Eccles Street. I walked home through the dark streets, knowing I should not sleep. I had to break the news to Father yet, and I knew he would blame me, and I blamed myself. And what made it hardest was to think of the stoicism with which she had all her life borne the pain of chronic appendicitis, knowing she could not afford to go to a doctor or take the time to enter a hospital.

Next day she was in great pain and blamed herself bitterly for the trouble and expense to which she was putting me. "A private room in a nursing home!" she said, closing her eyes. "Sure, it must be costing a fortune!" On the following day she complained gently that she looked a sight, and that the nurse could not do her hair, so I combed and brushed it for her, as happy as I had ever been, because it had begun to occur to me that, whatever the doctors said, she had no intention of dying. It was much too inconvenient.

On the following day she talked about coming home. Even if she had to lie in bed, she could still look after me better than anyone else could do. I met Macaulay on the way out and told him. "The funny thing is, she probably will go home," he said with a baffled air. "I

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have a girl patient who did exactly the same thing to herself on the hunting field last month, and she'll never walk again." Within 10 days of her accident she was at home, but very embarrassed, when she went to the lavatory, at having to appear in the dressing gown I had bought her. "My goodness!" she said. "You could meet anybody in that hall." After that, the dressing gown was put away, and I had to dress and undress her as well as brush and put up her hair. It almost frightened me to touch her body; it was so fragile, so wasted, that I could carry her as though she were a baby.

Meanwhile I had arranged to take my holiday in Switzerland, to see a specialist on my own account—a famous doctor who had been a friend of Thomas Mann at Davos—but Minnie Connolly's letters from Cork were alarming. Father was on an uproarious drunk, and I knew what life with him would be like when Mother could not mount a stair, much less go to the pub and "get it for him." Her right arm was still almost useless, and even she realized what it would be like if she were dependent on Father to do her hair for her, so she came to Switzerland with me instead.

She loved to sit on the terrace of the hotel and listen to the crowds yodeling on the pleasure boats passing up the lake from Geneva, or go in the evening on the funicular to some little mountain church where she could say her prayers and listen to the cow bells tinkling in the evening.

I had intended when I was finished with the doctor to tramp over one of the passes into Italy as Irish pilgrims had done in the seventh and eighth centuries, and instead of that I had to help in dressing and undressing her and do her hair, but all the same I knew there was an enchantment on it. It was like the fulfillment of a prophecy, the accidental keeping of promises made to her when I was a small boy, and when she came in, exhausted by a hard day's work, described to her—out of a guidebook and two phrase books—the wonderful journeys on which I should take her when I was older and had come into my own. And the enchantment was only sharpened by the feeling of guilt we both had when we worried about my kind, foolish father, staggering home to the house in Harrington's Square when the public houses shut.

And then the occasion Father had been waiting for so long occurred, and I found myself saddled with a woman and her son, waiting for the end of ecclesiastical and divorce-court proceedings so that we could marry. Of course, I had been asking for that.

Mother came to stay and was reassured, as I knew she would be, for she could deal with any situation, no matter how preposterous from her point of view, so long as she could size it up for herself. After that it was Father's turn, because somehow or other my life would not have been complete unless he had seen me in my new part as a father myself. I think now that perhaps I built too much on that; perhaps I always built too much on his visits, hoping each time that at last things between us would be as they should have been from the start, and that I could confide in him things I could not have confided even in Mother. When I rushed to open the carriage door for him, he staggered out, very drunk. He must have been all right before he left home, or Mother would have kept him there, but he had had a long wait at Waterford for a connection, and boredom or nervousness had proved too much for him.

I got him home and put him to bed, but not before the child had seen him. I knew Patrick's look, because it had been my own at his age, and faced with this disaster I wasn't a day older than he. I knew I couldn't control Father; nobody could control him when he was like that, and I lay awake, shivering as if in a fever and going through the whole nightmare of my childhood again.

I must have fallen asleep, for in the early hours of the morning I found he had gone out, and knew what had happened. He was rambling mad through the countryside, looking for a public house and hammering at the door for drink. Later I went to search for him, and when I found him, said, "This can't go on. I have trouble enough in this place already."

"I know, I know," he muttered stupidly. "I shouldn't have come. I'll go back by the next train. I'll be better at home."

"I'm afraid you will," I said, and later that day saw him off from the little station. My heart was torn with pity and remorse, because I knew that was no way to behave to a dog, let alone to someone you loved, and yet I could not control the childish terror and hatred that he had instilled in me so long ago, when he threw us out in our nightclothes on the street or when he attacked Mother with an open razor.

I never saw him again. A few weeks later war broke out, and communications collapsed. He died as he had lived, blundering drunk about Cork in the last stages of pneumonia, sustained by nothing but his giant physique (my cousin Christy, who looked after him, told me at the funeral about the big black stain that appeared about his heart when he died).

Mother refused to tell me anything until he was dead. This was something I found hard to forgive, because though with half her mind she felt she was saving me anxiety, deep down there was something else, not far removed from resentment—the feeling that I wouldn't understand and that I never had understood. She was like a loving woman who, when her husband has been unfaithful to her, blames not the husband but the other woman. "That damned drink!" she would cry bitterly, always implying that it was the drink that followed Father, not Father the drink, and in this she was probably wiser than I. But she felt that only she could have the patience to deal with him when he was dying and realize that he must be allowed to die in his own way, not mine, as in later years she followed him with Masses and prayers, knowing as no one else could know how lost and embarrassed that shy, homekeeping man would be with no Minnie O'Connor to come home to, no home, no Cork, no pension, astray in the infinite wastes of eternity. □

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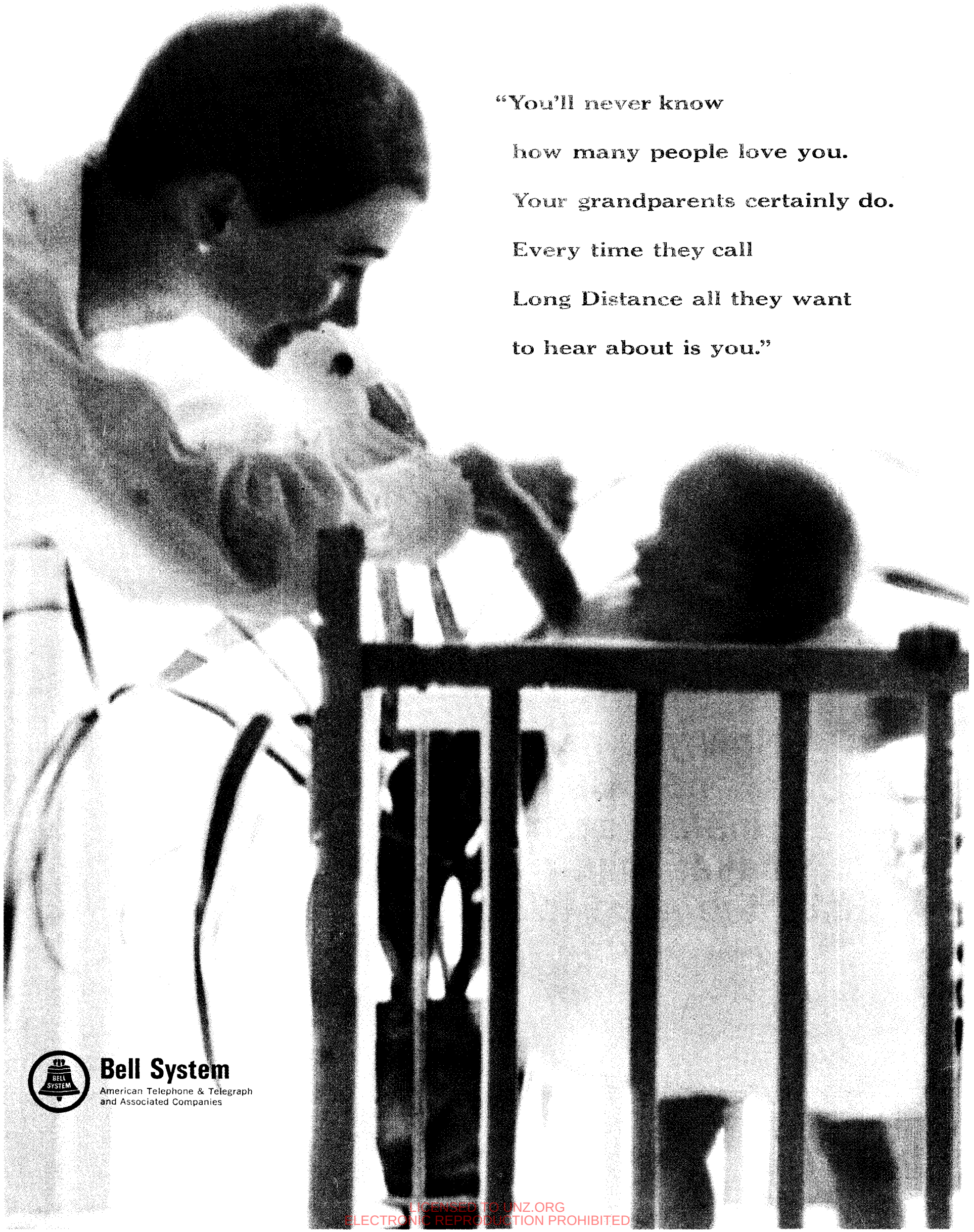

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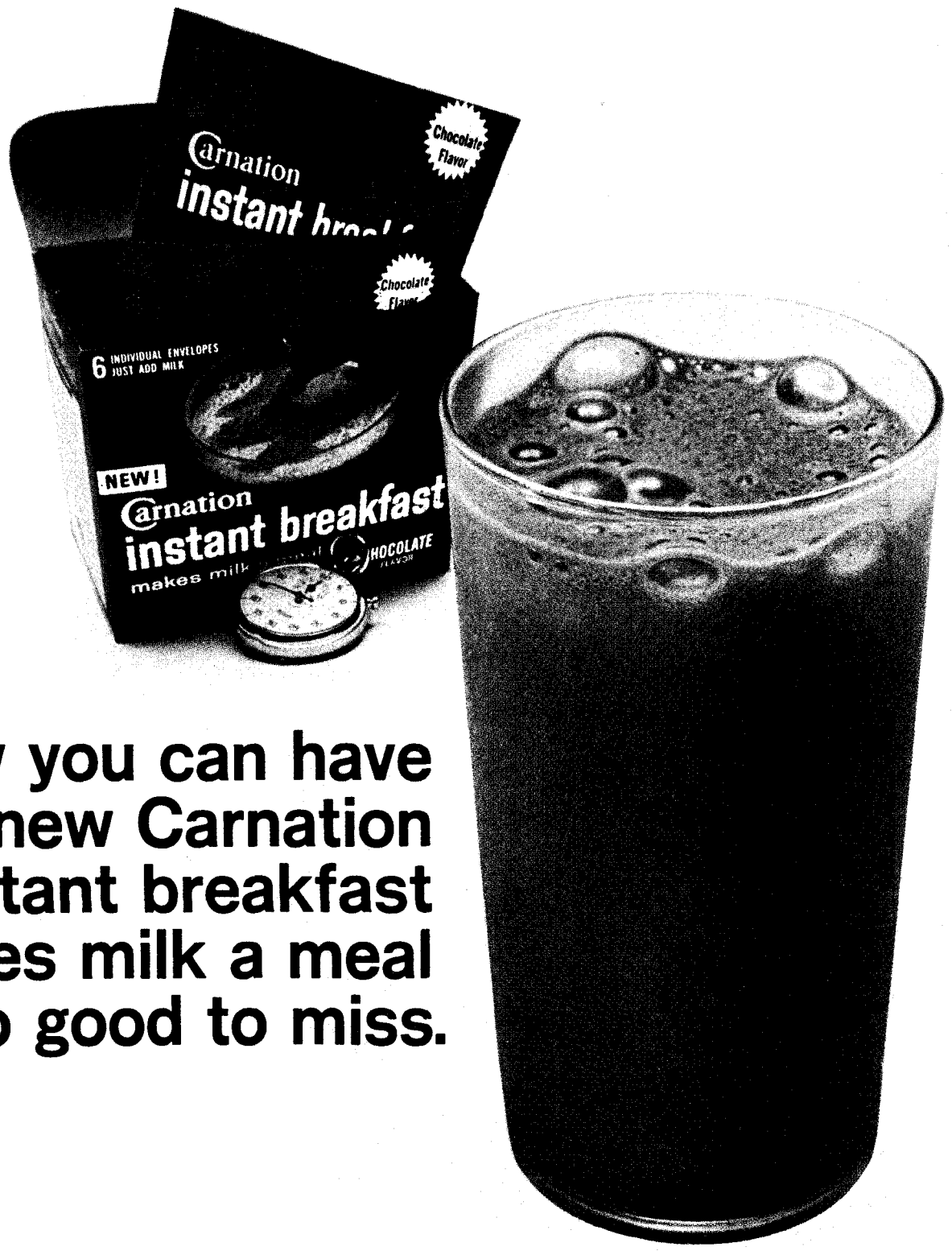

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'THEY KILL YOU WITH SILENCE'

Danny O'Brien saves the most hopeless clients, but Peter Falk can't save one of the best shows on TV.

By W. C. Heinz

Photographs by Larry Fried

It is three o'clock on a Monday morning, and Peter Falk is still pacing the floor, the script in his left hand, gesticulating with his right hand, in the study of a penthouse 20 stories above Park Avenue. Peter and his wife, Alyce, have sublet this penthouse from another actor, Robert Horton, who is making a television series in Hollywood. The Falks own a home in Hollywood, but they have been living in New York since May because Peter is playing a lawyer named Daniel J. O'Brien in a television series called *Trials of O'Brien.*

The script is marked "Production No. 17" and it is titled *A Horse Called Destiny.* Some of the pages are pink and some are blue and some are yellow, which means there have been three revisions. They started to shoot this script on the previous Tuesday, so in five hours they will be going into the fifth of the seven or eight days it will take, shooting the scene in the gypsy tearoom with Peter and an actor named J. D. Cannon, who is playing a gypsy clairvoyant named Polo Romaine.

Romaine had predicted that a wealthy widow would be murdered, and she has turned up dead, and he is suspected of the crime.

"Closer angle—O'Brien and Polo," Peter is reading. "Polo is coming out of shock and into panic. Polo: 'Mrs. Malcolm was murdered. She's dead. The woman is dead.' O'Brien: 'Yeah, OK. I heard about that. You know, that's quite a coincidence you got going.'"

Peter is not in this penthouse now; he is in that gypsy tearoom. He will be there until he finally goes to bed, knowing he will be up again in less than four hours. He is fortunate that scripts capture him that way because, although *O'Brien* got great critical notices, it has not captured much of an audience. Jack Gould of *The New York Times* called it the best of the 33 new shows of the fall season, and so did *Radio-TV Daily*. *Time* called Peter "irresistible." The Pittsburgh *Press* called him "magnificent." The Boston *Record American* said they should start polishing another Emmy for Peter, and the Philadelphia *Bulletin* described him as "a star in the Garfield-Cagney mold."

Then the ratings began to come in. *O'Brien* is about an unconventional big-city lawyer who owes alimony, gambling debts and rent, and on Saturday nights it failed to woo the ancients away from Lawrence Welk or the adolescents from *Get Smart.* When CBS shifted it to Friday against *Man From U.N.C.L.E.*, with its science-fiction gimmicks, and Jimmy Dean, with his country songs, the Arbitrons and Nielsens were even worse. Fifteen million people tune in *O'Brien* every week, but in television that's not enough.

"Good morning," the second assistant director, George Woods, says when Peter picks up the phone next to the bed. "It's now 7:15, and you've got a makeup call in thirty minutes."

Fifteen minutes later Peter gets off the elevator and walks through the lobby and out to the street where a young actor named Eddie Peterson is waiting for him with one of the studio cars.

"You hear anything from the network?" Eddie Peterson says, driving north on Park Avenue. "I mean, are we alive or dead?"

"Nothing," Peter says. "I don't hear a thing."

"An agency guy told me he knows an actress who auditioned for a replacement show."

"I don't know," Peter says. "In this business they kill you with silence."

They drive up to the Filmways studio at 127th Street and Second Avenue, in the northeast corner of Manhattan. It is a long, two-story, gray-painted, windowless building that looks like a warehouse, and the first thing that Peter made here, in 1960, was what got him his start. It was *Murder, Inc.*, a low-budget B picture, but he played the killer and police informant named Abe (Kid Twist) Reles as if he owned the part, and it won him the first of his two nominations for an Academy Award.

"How do you think I'll do?" he had asked Alyce, driving to the awards that night.

"You'll be lucky," Alyce had said, "if they don't take back the nomination."

The dressing rooms are on the second floor, and his is the one E. G. Marshall used for three and a half years while they were making *The Defenders.* It is next to the makeup room, and when he walks in, J. D. Cannon is just getting out of the chair.

"Great show Friday night?" John Jiras, the makeup man, who is called J. J., says to Peter. "Great makeup job?"

"Always," Peter says.

"So?" J. J. says. "We got a chance to survive?"

"Who knows?" Peter says. "I was reading in *Variety* about the lowest age group they check in the ratings. How old do you think they are?"

"Five?" J. J. says.

"No. They start with two to five, so maybe that's why we can't do business in this league."

"Peter?" George Woods says. "They're asking for you."

"What am I wearing?"

"The dark pinstripe."

So in his dressing room he puts on the dark pinstripe that Bryce Sevier, the wardrobe man, has laid out on the sofa. When he finishes dressing he picks up his script and goes down the stairs and through the two sets of doors. In the semidarkness he steps over the coils of electric cables and comes out into the light, and he can see the people clustered around the camera on the tearoom set.

"All right!" Marty Berman, the first assistant director, says when he sees him. "Clear the set and quiet, please!"

"Peter, will you take your place at the table?" Abner Biberman, who is the director, says.

Abner is riding the camera dolly, looking through the camera at the table where J. D. Cannon is sitting, and he is stocky and balding and graying. He started out in the early '30's in Hollywood as

In search of needed publicity, Falk spends his lunch hour giving telephone interviews to columnists around the country.

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an actor. Peter says Abner has one thing you can't buy and that's that he makes performers comfortable. He says Abner has an everlasting affection for actors and you never get that clash of egos that you get with so many directors.

"Now, J. D., don't move too far back," Abner is saying, "and Peter, you can lean forward a little."

"How's the eye?" Peter asks.

"Very good, Peter," Abner says.

"The lighting is low," Moe Hartzband, the director of photography, says.

"You're sure?" Peter says.

He lost his right eye, when he was three years old, to a malignant tumor. All he remembers about it is a long corridor and an elevator and his mother and some shadowy figures. Then his mother says: "I forgot my pocketbook, but I'll be right back." After that he remembers the panic when he realized they were starting to do something to him and his mother had not yet come back.

"That's fine," Abner is saying now. "Let's just give it a try."

After two rehearsals and six takes, which have used up an hour and 24 minutes, they have a scene that will play for three minutes and 15 seconds. You shoot four or five to one, sometimes 10 to one, and in an 11-hour day you hope to come up with an average of eight minutes on the screen.

"All right!" Marty Berman is saying. "The next one's in O'Brien's office!"

Until he was eight or nine, the other kids gave him a hard time over the eye, but after that, the masculine camaraderie saved him. It happened to him when he was so young, and he had lived with it so long, that when he went into acting it never occurred to him that it would make any difference.

"In 1957 I've done some TV, mostly with accents and beards," he says, "and I'm on the Robert Montgomery show. A guy from Columbia Pictures on the Coast sees the show and he wires New York that he's seen a guy named Falk who's got a Garfield thing going for him that they might use. So my agent and I go to Columbia Pictures.

"They take us in to meet Harry Cohn, who was one of the big, old-time moguls. We sit down and he says: 'I'm concerned about your deficiency.' I thought he meant vitamins, and I said: 'What do you mean?' He said, 'You've got a funny look. What's the matter with your eye?' I said: 'It's a glass eye, but it's no problem. Your guy watched me on TV and didn't notice it.' Cohn said: 'You know, for the same price I can get an actor with two eyes.'

"So they made a screen test—no acting—and I knew I was dead. They had me look one way and then the other without moving my head. I have to avoid eye looks. The head has to move with the left eye."

They are on the office set now to shoot two scenes, not for *A Horse Called Destiny*, but for Production No. 14, titled *Alarums and Excursions*. They made *Alarums and Excursions* five weeks ago, but when they cut it, they found they needed three more scenes. They shot one a week ago, and at 11:57 they start shooting the scene with Elaine Stritch, who plays O'Brien's secretary, and Joanna Barnes, who plays Katie, his divorced wife.

"All right, Danny," Joanna is saying, on camera, "what is it?"

"There they are!" Peter says. "My two advisers! Name me another man who has two such devoted women at his beck and call. Tell me. . . ."

"Beautiful!" Abner Biberman says, at the end of it. "Cut and print!"

"Wait a minute," Peter says to Abner. "Can we take another?"

"Peter wants to do it again," Abner says.

"I got the feeling," Peter is saying to Elaine Stritch, "that I was a little too wise guy."

"I think so," she says. "Be a little less like a lawyer, and a little more like a guy with two women in his office."

At 12:15 they go back to making *A Horse Called Destiny*. While they are moving to the new set, Peter goes out to the production secretary's office. "So you didn't get them for me?" he says

'You know, for the same price,' he was told by movie mogul Harry Cohn, 'I can get an actor with two eyes.'

to Adeline Leonard, and she knows he means the Arbitron ratings on last Friday's show.

"I've got them," she says.

"So you didn't let me know?"

"I don't like them," she says. "Peter, I'd rather you'd look at the fan mail."

"They're waiting, chief," J. J. says.

"In a minute."

"How did we do?" J. J. says.

"At least we beat Jimmy Dean," he says.

It was after he won the Emmy for best actor in 1962, playing the truck driver in *The Price of Tomatoes* on *The Dick Powell Theater*, that they started to run at him with one TV-series idea after another. They wanted him to play a psychiatrist, and a New York cab driver, and the owner of a trucking business, and a confidential agent disguised as a playboy, and he must have had 75, or maybe 100, thrown at him before he and Dick Simmons, who is the executive producer on the show, decided to combine on O'Brien. "That Simmons is a mountain," Peter always says. "Without him I don't get on this train."

They do one more scene, and then Marty Berman tells them to break an hour for lunch. Peter goes up to his dressing room, changes into his street clothes, and is driven over to the Pathé screening room on 106th Street. He eats his hamburger and French fries and fried onions in the

The star and his director, Abner Biberman, go over the script of A HORSE CALLED DESTINY*; they will rehearse one scene twice and film it six times before they are both satisfied.*

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dark while they watch—with Dick Simmons, Biberman and half a dozen others—the scenes shot on the previous work day.

"Dreadful," Peter is saying about himself on the screen. "He's too loud. Most of the time in these courtroom scenes he's too loud."

"He's pressing," Simmons says.

"His right hand is stiff," Peter says of himself in a close-up. "He's self-conscious."

"He's better in the first take," Simmons says.

They always keep it in the third person. They are not discussing Peter, but an actor.

"As a kid," Peter says about that, "I'd go to the movies on Saturday, and I liked Cagney and Tracy and Bogart, but you went to raise hell. Then, when I started to grow up, I had an idealized conception that actors were a species apart—geniuses. You know, thinking of acting as an art, it could have nothing to do with me."

At 2:10 he has changed back to his pinstripe, and he puts in a call for Dave Begelman, his agent. He finally locates him, having lunch at The Colony with Mike Dann, the CBS programming vice president. "What's the story?" Peter says.

"Wait a minute, I'll put a friend on," Begelman says. Mike Dann tells Peter that *O'Brien* has had better than a 20 percent increase over what *Slattery's People* was doing in the same spot.

"Then you feel optimistic?" Peter says.

"I can't say that," Dann says, "but let's take another reading."

"What do we have to hit?"

"If you hit between 26 and 27, we'll be all right," Dann says, talking about what they call audience shares. "Maybe we can live with 25."

"But I don't see how we can make that jump from 19.5," Peter says.

"Let's see what happens," Dann says.

Peter puts on the tan cashmere topcoat and gray fedora and goes down to the set. By 2:50 he has rehearsed his next scene six times.

"All right!" Marty Berman says. "Three bells!"

While the bells are sounding for silence, Peter is face down on the concrete floor doing push-ups. Then he gets up and starts running in place because, in the scene, he is supposed to have just climbed six flights of stairs. At 4:05 they finish the sixth take and at 4:08, while they are relighting for close-ups, he is back upstairs in his dressing room, taking a call from Hollywood from Tom Signorelli, a young actor who has been on the show a couple of times and is looking for two or three days' work. Signorelli, Peter says, hasn't made his breakthrough yet, and so he has had to drive a taxi and work in a bar, and Peter tells him he will call Alan Shayne, the casting director.

"Waiting, Peter," George Woods is saying.

At 5:12 they finish the close-ups, and from 5:25 until they quit at 6:59 they rehearse the long scene they will shoot the next day between Peter and J. D. Cannon, in Polo Romaine's study. A half hour later he is having dinner in Danny's Hideaway with Clay Gowran, of the Chicago *Tribune*, and Gowran is telling Peter how much he admires the show, and asking about an actor's problems on a TV series.

"I memorize fast and I forget fast," Peter says. "The trick on this kind of thing, where you have so many scenes, day after day, week after week, is to know your lines well enough so you're not insecure but not so well that you're locked in. When you do hit it right in the middle, the lines sound like you just thought of them."

At 7:42 the next morning Peter is on the set in Polo Romaine's study with J. D. Cannon. It is a complicated scene, with a see-through mirror that the camera has to pick up and some tricky lighting. While they are taking down a wall, to get another camera angle, Peter is sitting in the armchair on the set, his script in his lap, his head moving with his lines, the noise all around him.

"Ted, can I move this out?" . . . "Hey, Moe, do you see the shadow from the mike on that door?" . . . "No, no! You can't put that there. I'll give you a clip." . . . "Wait a minute, Marty!"

Peter grew up in Ossining, N. Y., and his father always hoped that someday his son would go into the store with him. It is Falk's—ladies' and children's wear—at 159 Main Street, and his mother worked there, too, and they employed from two to five girls, depending on the season.

"I used to help out," Peter says, "but I didn't know silk from cotton, and then the synthetics started to come in. A woman would ask for something and I'd say: 'Lady, you come behind this counter and look through this stuff and I'll stand out there and we'll do some business.'"

At Ossining High School he was president of his freshman and sophomore classes, vice president of his junior class and president of his senior class. In 1945 he went to Hamilton College in Clinton, N. Y., but he lasted only seven weeks.

"In Ossining I'd been Mr. Wheel," he says, "and I was looking for college to be a continuation of high school. Instead, it was guys hitting books."

He went into the Merchant Marine for 15 months, went back to Hamilton for two years, took two history courses at the University of Wisconsin one summer and then transferred to The New School for Social Research in New York, where he majored in political science and got his B.A. He bummed around Europe for seven months, and then got his Master's in public administration at Syracuse University.

"My first job," he says, "was for the State of Connecticut as a management analyst. That's an efficiency guy, and I couldn't even find the office."

At 10:05 they start the close-ups, and at 10:55, when they start to move to the next set, Peter goes up to his dressing room. He calls Alan Shayne about the work for Tom Signorelli, autographs a dozen photographs and changes from the gray tweed to the pinstripe. He is studying the scene in Romaine's office when they want him for rehearsal, and at one o'clock he is back in his dressing room for lunch and the telephone interviews.

"Peter Falk would like to speak with Mr. Fairfax Nisbet, of the Dallas *Morning News*," Eddie Peterson is saying over the phone, and then, covering the mouthpiece, to Peter: "She's not a mister. She's a woman."

"How are you?" Peter says, starting on the

Falk as lawyer Daniel J. O'Brien in a tense scene from the recent drama about a prison riot, THE BLUE STEEL SUITE. *At right is actor Pat Hingle and next to him, Tom Signorelli.*

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Falk rests on camera dolly between takes of A HORSE CALLED DESTINY; *while making* O'BRIEN *he worked about 12 hours a day, rarely getting enough sleep or taking a full day off.*

hamburger and the French fries and the fried onions. "Just fine. No, I'm not skipping lunch. Oh, you like the show? You really do? How do we like the shift to Friday? Well, we have to like it better than Saturday. You're right. It takes time for an audience to attach itself, for the seed to grow. That's right. Well, it's still safe for me to go out of the house, but I do get recognized. What do they say to me? They say: 'Hey, O'Brien!' or 'Hey, Danny, you know a good lawyer?' So I've got a new name. You say you understand that, with your name, because people sometimes think you're a man? Is that so? Well, Fairfax. . . ."

It takes 16 minutes, and then Eddie Peterson puts through the call to Larry Rummel of the Phoenix *Gazette*. "I'm all right, Larry," Peter is saying now. "How are you? How's it goin' here? Well, we're still alive. You do? Well, I'm very happy to hear that because we've been pounded around pretty good in the ratings. . . ."

That takes 12 minutes, and he has 15 minutes to study his lines again for the office scene when, at two o'clock, they call him down to the set again. It is 6:58 before they finally quit for the night.

On his way out he picks up the revised script of production No. 18, called *The Blue Steel Suite*, about a prison riot. At 7:28 he is alone in the darkness of the Pathé screening room, watching the dailies of Monday. When he gets back to the apartment he calls Dick Simmons and goes over his reaction to the takes. After dinner he studies his lines for the next day, and then he reads the new script before he goes to sleep. Before eight the next morning he is back in the make-up room, and J.J. is putting on the Pan Stik.

"Do you know what I first remember about you?" Barbara Barrie, who is playing Polo Romaine's secretary, is saying to Peter. "You had an old brown overcoat and such pitiful holes in your shoes. I remember how desperate you looked because I was thinking, 'Maybe this guy will take me out, but he's got no money.'"

It must have been the winter of 1955–56, while they were in Jack Landau's workshop, over on Sixth Avenue somewhere in the '40's, working on scenes from Shakespeare, and it was right after he had quit the job with the State of Connecticut and had decided, finally, that he wanted to be an actor. He had done a little acting at The New School, and some at Syracuse, and then, while he was still working for the state, he got with the White Barn Theater in Westport, and Eva Le Gallienne told him he should be an actor.

"You want to be an actor?" his father said, when he heard about it. "You want to paint your face and make a fool of yourself all your life?"

At 12 o'clock Peter is supposed to take a two-hour lunch break to go on a panel show called *The Young Set* in the hope that the publicity may draw some viewers to *O'Brien*. They don't finish until 12:17, and Peter goes straight to the car. With heavy traffic it is 12:40 before he gets to the ABC studio on West 58th Street, and a young woman with black hair and black-rimmed eyeglasses leads him down to the make-up room.

"Do I get a chance to eat here?" Peter asks.

"A cheeseburger was ordered for you," she says. "It's cold. It was ordered for 12:30, and it was here at 12:30."

"I understand that," Peter says, "but we're late because I didn't want to cut short my nap."

He goes into the wardrobe room, and while he is changing into the gray herringbone tweed he starts on the cheeseburger. "What they should do with this," he says, "is send it over to Vietnam and shoot it at the enemy."

Phyllis Kirk is the moderator of the show, and they start taping at 1:08. The subject is what's wrong with television.

"Well," Peter is saying, "maybe the creative artist who sold out wasn't that creative. Maybe we're not as good as we thought we were. . . . Are actors happy working on TV? Actors are congenitally unhappy. You get a good show and everybody likes his role and you never saw such miserable people. . . . I don't think television has to be concerned with the intellectual. The intellectual should have better things to do. . . ."

It is 2:37 when he gets back to the studio, and they start to rehearse a scene that Peter knew would be trouble when he first read the script. It is in Polo Romaine's study again and, with the help of eerie lighting effects, a hunting horn that floats through the air and offstage voices, Peter gets Barbara Barrie to confess to the murder. At 6:12 he is standing in the middle of the set, shaking his head, when Abner Biberman walks up to him and places both of his hands on his shoulders.

"Peter," Abner says, "what's the trouble?"

"I hate this scene," he says.

"It's going to be all right when you get into it."

"The effects better save it," Peter says.

At seven o'clock they stop rehearsing, and 15 minutes later he is in the dark of the Pathé screening room again, watching himself and J. D. Cannon. The next morning, which is Thursday, he and Barbara Barrie rehearse the tricky scene once more, and at 11:17 they start to shoot.

"You see?" Abner Biberman is saying after the third take, and Barbara Barrie is sitting in the arm chair and Abner is on his knees in front of her. "You loved him. When you get across that you loved him, then we love you, too."

"Why do I have to be liked?" Barbara Barrie says. "Why does everybody have to be liked on television?"

"But on that previous take you were flat."

"Why didn't you say so?"

Last act: The week finally over, Falk and wife Alyce go back to their apartment to watch THE TRIALS OF O'BRIEN.

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"I'm not negative. I prefer to be positive."

"I'd rather that somebody would say I'm lousy," Barbara Barrie says, "than talk behind their hands."

"That talking behind the hand," Abner says, "was about the lighting. It wasn't about you."

At the climax of the scene Barbara Barrie has to go into tears and, as Peter says, there are actresses who just push a button and get Niagara Falls. He says you have to be careful with tears, though, and Barbara Barrie had a block about them until she finally licked it.

"Beautiful!" Abner Biberman is saying now. "Cut! You were just beautiful in that, dear."

Then there was the scene in *Alarums and Excursions* when one of the child actors was supposed to cry and he couldn't make it. Peter had an open newspaper and he slapped him across the face with it and then the kid, starting to cry, threw his arms around Peter and Peter, holding him, was crying, too, and it was what his father said about painting his face and making a fool of himself.

"Now he's like a peacock," Peter says of his father. "If I just stay on my feet he thinks I did great. My mother is a tougher customer. She'll say: 'Maybe you thought it was effective, but I couldn't understand you.'"

When he comes back, now, from looking at the dailies, it is 1:15, and Adeline Leonard motions him into her office.

"We've got three hundred letters here," she says, "and almost all of them deserve answers."

"Then we'll have to answer them," he says.

"There's one here," she says, "from a woman who says she'll buy whatever products sponsor the show if it'll just help to keep it on the air. There's another one from another woman who said she and her husband left a wedding reception just to get home to see *O'Brien*."

They finish that day at 4:25, and he goes up to his room to look at his first scene in the next show. At 5:25 J. D. Cannon comes by to say good-bye, and then Abner Biberman comes in, because he is catching a plane for Hollywood.

"It's such a good series, Peter," Abner says. "Don't you think it has a chance?"

"It doesn't look that way," Peter says, "but thanks for everything anyway, Abner."

After Abner leaves, Peter puts in a call for his agent. In ten minutes Begelman calls back.

"Am I gonna be available?" Peter says.

"I guess we'd better assume that."

"Then what have we got?"

"Well," Begelman says, "I've had an inquiry about a Jerry Lewis picture and a Dean Martin picture and one that DeSica's doing."

"All right," Peter says.

He changes into the olive-green suit and puts on the tan cashmere topcoat and gray fedora and goes downstairs. Now he walks, not into the lush, carpeted, French antique décor of Polo Romaine's study, but into the cold, gray, brick-walled, steel-barred set of the prison warden's outer office. The

'You want to be an actor?' his father told him. 'You want to paint your face and make a fool of yourself?'

script calls for him to empty his pockets onto the desk, so the prop man hands him a worn wallet, a Boy Scout knife, a racing form, two torn pari-mutuel tickets, a pair of dice, a deck of playing cards, some pool chalk and a tuna-fish sandwich wrapped in waxed paper.

Paul Wendkos, the director, is on the camera dolly, squinting through the camera. He is tall and slim, his dark hair beginning to gray, and he is concerned because he is late starting and in 10 days he has to be in Mexico for location shooting for the TV show called *I Spy*. "Now, boys, let's get a smooth rehearsal," he is saying. "We're dying here, boys. . . . it's got to go much faster. . . . all right, let's try for a little take-aroo."

At 7:35 Peter is in the screening room, where his wife has been waiting. They are watching the rough cut of *The Ten-Foot, Six-Inch Pole*, which was shot two weeks before.

"Well?" he says to Alyce, when it is over. "Did that hold your interest?"

"Yes," she says, "but you had already told me how the murder was done."

"I think I looked unattractive in that close-up at the end," he says. "Am I getting neurotic?"

"No," she says, "but I didn't like the shot where you looked down at Katie."

"We reshot that," he says.

At 8:15 the next morning Peter is on the prison set, emptying his pockets again. When he comes off, Tom Signorelli, in the gray convict's clothes and with two days' beard, walks over to him.

"Thanks a lot, Peter," he says, shaking hands.

"Forget it," Peter says. "I'm glad you made it."

"Peter?" Pete Scoppa, the first assistant director says. "In the warden's office, please."

"There's a big breakout in the isolation cellblock," Paul Wendkos is saying. "Peter, you've got to come in as soon as the guard rushes out, and if you feel the impulse to walk, I'd rather that you move upstage, instead of across, and then I can keep the others in it. All right?"

At 1:01 they go out for the sixth take, with the camera on the warden and shooting between Peter on the left and the guard on the right. When they edit the film they will cut to a close-up of the warden and then come back to this, and no viewer will know that, in the middle of this scene, they broke for lunch and Peter sat at the dailies, watching the last takes of *A Horse Called Destiny*.

After lunch they pick up from where they froze the shot before, and at 3:58 they are shooting close-ups, and first Peter blows a line and then the warden misses one.

"Cut!" Wendkos says. "Flag on the play! Now we're almost through it, and we're coming into the home stretch. Remember, we've got one in the can and it's an Academy Award, but let's try it again. May we, gentlemen, *por favor?*"

At 6:57 they quit for the week, and for the next 45 minutes Peter is in the chair while the barber, who comes up every Friday to keep Peter's hair at the same length, trims it. At 10 o'clock Peter and his wife are back home sitting in front of the television screen. Bob Dishy, an actor they first met at Syracuse, is with them, and they are watching the *O'Brien* called *No Justice for the Judge*.

"How's your future?" Bob Dishy says.

"Not good," Peter says. "We're not getting any new scripts, so it looks like we'll make the twenty-two and then go into the reruns."

At 11 o'clock Saturday morning he is in his living room, going over his lines for Monday, and the door buzzer sounds. When he opens the door two men are standing there in work clothes with the circular walnut top for the Early American coffee-mill table resting on edge between them.

"O'Brien!" the older one says. "Daniel J. O'Brien!"

"Peter Falk!" the younger one says. "You want to know somethin'? You got two great fans in my wife and my kid."

"You guys want to come in?" Peter says.

"*Your* wife and *your* kid?" the older one says, as they carry the table top in. "What about *my* wife? This morning I tell her I gotta make a delivery to Peter Falk, and she says she wants to come. I say: 'Can you lift a table top?'"

"That's a great show you got there," the younger one says.

"The best on the air," the older one says. "All my friends watch it."

"I wish you had more friends," Peter says.

"What's the matter?" the older one says. "You tellin' me people don't like it?"

"That's what the ratings say," Peter says.

"They're wrong," the older one says. "You know them ratings? You know what they do? They got twelve people live in East Jerksville somewhere, and they ask them what they're watchin' and all the rest of us are stuck with *The Adventures of Joe Schmoe*."

"I don't know," Peter says.

"*We* know," the older one says. "You got a great show."

While they are putting the table top on the coffee mill, Peter picks up *The Blue Steel Suite*. Over the weekend he will also have to read the two movie scripts Dave Begelman sent him, and while he is pretty sure he doesn't want to do one of them, the other one might be something. □

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Editorials

The right to work

Congressman Robert Griffin sounds eminently reasonable when he argues on page 12 that he supports the repeal of right-to-work laws if the unions can be compelled to respect their members' constitutional rights. But we think he's being unrealistic. Unions that flouted their members' rights in the past are not likely to pay much attention to new restrictions. While we don't share the emotional view that "compulsory unionism" is somehow un-American, we also reject the idea that all unions are somehow sacrosanct. If a union can win and hold the allegiance of a majority of workers in a factory, it obviously has the right to represent those workers in collective bargaining. But there may well be workers who don't want to be represented by the union, and we fail to see why every single worker must join up or be fired.

By now, President Johnson has put the weight of the Administration behind the unions' campaign to repeal Section 14(b) of the Taft-Hartley Act, the section that permits the states to pass "right-to-work" laws against the compulsory union shop. We have not yet heard any convincing arguments for repeal, and we favor the law as it stands.

The coming of the bulldozer

It is a mistake to think about the old house. At a certain period in our lives we buy our first house, work on its lawn, repaint its walls, raise children in it, and then, when our needs have changed, sell it and move on. We have, once the enemy hands us the certified check at the closing, no claim on our past. It is ours only in memory, and we have no right to be angry when a neighbor telephones to say that the bulldozers have come, and that all the trees are gone.

The old house was built a century and a half ago, supposedly by a captain returning from the War of 1812 to build a place for himself. It had 60 acres then, and a grain mill next to a stream that flowed through two lakes and out to the Atlantic Ocean. Fifty years ago men hunted here, and fished, and trapped muskrats. Thirty years ago there were still apple orchards and chicken pens. Ten years ago the place had shrunk to one acre, but the lilacs soared 25 feet over what had become an asphalt road, and there was one gnarled old apple tree that had survived years of attack by caterpillars, and woodpeckers, and children building swings, and more autumn hurricanes than anyone could remember. Each spring, overnight, it became a radiant mountain of white blossoms. Across the road, the millstream and the forest had been taken over by the state as a park and bird sanctuary. It seemed a good means of protecting the land.

A couple of years ago the state's own machines came to destroy the state's own park land. For two weeks or more the woods resounded with the grunting of bulldozers and the screaming of trees being smashed to the ground. Then came the dredges that moved the lakes and dried up the millstream. The state had judged that a four-lane highway was no longer sufficient to carry the people of the great city to the public beach, and so the highway was being widened. The ducks that once visited the lakes no longer stopped here but swooped on in their giant V-formations through the sky. The fish died. Across the muddy wasteland of fallen trees, the cars could be heard whooshing along the highway to and from the splendid beach.

When it came time to sell the old house, there was no question of anybody's buying a full acre. Land is not measured here in acres anymore but in building lots—60 feet wide, 100 feet deep—and when the land was measured, it was found that two houses could be built on the front lawn, and one on the back lawn. Lots are too valuable now for anyone to own more than one; it is uneconomical, impractical. So the bulldozers have come.

The lilacs that had been planted along the road are gone. The oak tree that had been installed to celebrate a wedding anniversary is gone. The mimosa tree that had been transplanted from a neighbor's yard is gone. The holly that came one Christmas is gone. The old apple tree—only two years ago, there had been a wedding under that apple tree, with a bride and groom excitedly exchanging vows under a woven canopy of fresh flowers, a group of college students playing dance music, a hundred or more guests dancing on the lawn until dusk, the children in white dresses serving canapés, and helium balloons waving in the June breeze—the apple tree is gone now, battered to the ground, finally dead. Now that the bulldozers have done their job, the builders are ready to pour concrete, lay foundations for more houses. In due time, some new owner may dig a hole and plant a scrawny maple sapling and hope to start over again.

Germany's Konrad Adenauer, who has a breed of roses named after him, was already in his 80's when a visitor climbed up the steps to his house overlooking the Rhine and found him working in his garden. The visitor expressed surprise that the old man would spend his time planting a tree that he could never see full-grown. The old man, in turn, expressed surprise at the visitor's surprise.

Konrad Adenauer was not the world's most amiable statesman, but here we could learn from his wisdom. Where else but in America are the old and gnarled things systematically torn down and crushed out of existence? Where else is the past so systematically defiled and despised? How many of us would, in old age, plant a tree as an investment in the future, an investment that pays no dividends? And how many of our civic planners, bridge builders, and urban developers have a rose, rather than a superhighway, named in their honor? □

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